

Dún Laoghaire-Rathdown County Council

Development Contribution Scheme 2016-2020

Section 48, Planning & Development Act, 2000, (as amended)

**Adopted by Dún Laoghaire-Rathdown County Council
on 14th December, 2015**

INTRODUCTION

1. Sub-section (1) of section 48 of the Planning and Development Act, 2000, as amended enables a planning authority, when granting a planning permission under Section 34 of the Act, to include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).

2. (a) Subsection (2)(a) of Section 48 requires that the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.

(b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.

3. (a) Subsection (3) (a) of Section 48 specifies that a scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.

(b) In stating the basis for determining the contributions to be paid, the scheme must indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or are to be provided by any local authority and the planning authority shall have 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.

(c) A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.

4. Subsection (15)(a) specifies that a planning authority may facilitate the phased payment of contributions under Section 48 of the Planning and Development Act, 2000, as amended, and may require the giving of security to ensure payment of contributions.

DEFINITIONS

5. (i) Section 48 (17) of the Planning and Development Act, 2000 ("The Act") 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 spaces, sewers, waste water and water treatment facilities, drains 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).
5. (ii) "scheme" means a development contribution scheme made under Section 48 of the Act.

BASIS FOR DETERMINATION OF CONTRIBUTION

- 6 The basis for determination of a contribution under the Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2016 – 2020, ("the Scheme") is as follows:-
- (a) The amount of the costs which are attributable, in the years to 2020 to the three classes of public infrastructure and facilities (listed in the Tables at Article 9 below). These costs are given in Table A of Appendix I which is annexed to this Scheme.
 - (b) The aggregated units or floor areas in square metres of projected development, in the years to 2020, in each of the classes or descriptions of development, namely, residential class industrial/commercial class and domestic extension class. These units and floor areas are given in Table B of Appendix I which is annexed to this Scheme.
 - (c) The development contributions payable per unit of residential development , per square metre of industrial/commercial development and per square metre of domestic extension were determined upon consideration of a number of factors including:
 - Eligible costs of projects;
 - Expected quantum of development;
 - The level of existing contribution rates;
 - Market conditions.

The result of this analysis is shown in Article 9 of this Scheme below.

DEVELOPMENT CONTRIBUTION SCHEME

7. This Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2016 – 2020, ("the Scheme") is made under Section 48 of the Planning and Development Act, 2000, as amended ("the Act").
8. Under the Scheme, Dún Laoghaire-Rathdown County Council will, when granting a planning permission under Section 34 of the Act, include conditions for requiring the payment of a contribution (the amount of which is indicated below under the heading Level of Contribution) in respect of public infrastructure and facilities benefiting development in the County of Dún Laoghaire-Rathdown and that is provided, or that it is intended will be provided, by or on behalf of Dún Laoghaire-Rathdown County Council, (regardless of other sources of funding for the infrastructure and facilities). A list of Projects, which is indicative only, is set out in Appendix II of this Scheme, which includes a separate listing for the projects relating specifically to the Sandyford Urban Framework Plan Area.

LEVEL OF CONTRIBUTION

9. Under the Scheme, the contributions to be paid (except where an Exemption or Reduction applies, see Article 10 below) in respect of the different classes of public infrastructure and facilities are as follows:

Countywide excluding Sandyford Urban Framework Plan Area

| Class of Public Infrastructural Development | € per unit of Residential Development | € per square metre of Domestic Extensions in excess of 40 sq.m | € per square metre of Industrial/ Commercial class of Development |
|--|--|---|--|
| Class 1: Community & Parks facilities & amenities | 3,290.12 | 28.41 | 28.41 |
| Class 2: Roads infrastructure & facilities | 5,068.55 | 43.78 | 43.78 |
| Class 3: Surface Water Infrastructure | 221.33 | 1.91 | 1.91 |
| Total of Contributions Payable | 8,580.00 | 74.10 | 74.10 |

Sandyford Urban Framework Plan Area Only (Comprising Countywide + Sandyford)

| Class of Public Infrastructural Development | € per unit of Residential Development | € per square metre of Domestic Extensions in excess of 40 sq.m | € per square metre of Industrial/ Commercial class of Development |
|--|--|---|--|
| Class 1: Community & Parks facilities & amenities | 6,127.12 (3,290.12 + 2,837) | 28.41 | Office 39.38 (28.41 + 10.97) Other 33.56 (28.41 +5.15) |
| Class 2: Roads infrastructure & facilities | 6,239.55 (5,068.55 +1,171.00) | 43.78 | Office 85.81 (43.78 + 42.03) Other 63.53 (43.78 + 19.75) |
| Class 3: Surface Water Infrastructure | 221.33 | 1.91 | 1.91 |
| Total of Contributions Payable | 12,588.00 | 74.10 | Office 127.10 Other 99.00 |

Drawing no. PL-15-207 shows the Sandyford Urban Framework Plan Area shaded in BLUE.

Car Parking in the Sandyford Urban Framework Plan Area will be levied at Countywide rates only.

NB: The Sandyford Urban Framework Plan element of the Development Contribution shall be used solely to fund infrastructure identified in the Plan, as listed in Appendix II – Sandyford Urban Framework Plan Area Only.

Cherrywood Planning Scheme (comprising Countywide only)

| Class of Public Infrastructural Development | € per unit of Residential Development | € per square metre of Domestic Extensions in excess of 40 sq.m | € per square metre of Industrial/ Commercial class of Development |
|--|--|---|--|
| Class 1: Community & Parks facilities & amenities | 3,290.12 | 28.41 | 28.41 |
| Class 2: Roads infrastructure & facilities | 5,068.55 | 43.78 | 43.78 |
| Class 3: Surface Water Infrastructure | 221.33 | 1.91 | 1.91 |
| Total of Contributions Payable | 8,580.00 | 74.10 | 74.10 |

Drawing No. PL-15-458 shows the Cherrywood Planning Scheme.

In the preparation of the Draft Development Contribution Scheme it is anticipated that 2,000 residential units and 45,000 square metres of industrial /commercial development will be constructed during the life of the Scheme.

Note 1: These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSI Tender Price Index (See Article 12 of the Scheme below) commencing from 1st January, 2018. The above rates are effective from 1 January 2016.

Note 2: Should a particular geographical area require a higher level of financing for new services and infrastructure than is envisaged within this Development Contribution Scheme, then Dun Laoghaire-Rathdown County Council reserves the right to prepare and adopt a separate Section 48 Development Contribution Scheme for that particular area. This may, in particular, apply to the Cherrywood Planning Scheme Area.

Retention Permissions

All retention permissions will be charged a multiple of 1.25 times the rates outlined in the Schedules above.

EXEMPTIONS AND REDUCTIONS

10. The following categories of development will be exempted from the requirement to pay development contributions under the Scheme, or will be required to pay a reduced contribution:
- a) The first 40 square meters of any residential extension, including granny flats, shall be exempt from the contribution scheme. All house extensions in excess of 40 square meters, including family or "granny" flats, shall be assessed at €74.10 per square meter of residential development up to a maximum of 115 square meters reckonable development.
 - b) Domestic extensions for accommodation of disabled person(s) are exempted in full in cases where a Disabled Persons Grant is approved.
 - c) Attic and garage conversions.
 - d) Developments by organisations having exemption from income tax and corporation tax under Section 207 of the Taxes Consolidation Act 1997 and currently holding an exemption certificate from the Revenue Commissioners, including registered charities provided that the development is exclusively for the primary purpose of the organisation/charity.
 - e) Primary schools, post primary schools, non-commercial community centres, youth centres, and similar non-commercial community related developments.
 - f) Social housing units, including those which are provided in accordance with an agreement made under Part V of the Planning & Development Act, 2000, as amended, or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council.
 - g) Replacement dwellings or replacement commercial developments will be charged 50% on a like for like basis. In the case of demolition of developments, 50% of the demolished floor area is offset against the countywide element of the levy.
 - h) Change of use of an existing premises including "Living Over The Shop" . For clarification purposes any additional floor area will be levied at the appropriate rate.
 - i) Renovations to restore/refurbish structures deemed to be "Protected Structures" in the County Development Plan, where the Council is satisfied that the works substantially contribute to the conservation or restoration of the structure.
 - j) Reduced rates for temporary permissions to be calculated as follows:
 - 33% of 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.
 - k) The non-built elements of recreational facilities (e.g. playing pitches, golf courses).
 - l) Broadband Infrastructure (i.e. masts and antennae).
 - m) Initial afforestation.

- n) Car parking
- i. Car parking in residential developments.
 - ii. Car parking integrated within a structure is exempt when ancillary to the commercial use of the structure. When not exempt, i.e. when use is non ancillary, it will be measured on the basis of the gross floor area. Ancillary car parking is car parking that accord with the County Development Plan Car Parking Standards.
 - iii. Surface car parking is leviable at 25% of the Countywide rate. It will be assessed on the basis of each car parking space being 12 square metres.
- o) Temporary park and ride permissions is levied at 25%.
- p) Agricultural buildings.
- q) Renewable energy development with a capacity up to 0.5MW will be exempt. Larger capacity development will be charged at €1000 per each 0.1 MW above an installed capacity of 0.5MW.
- r) Substations/Switch Rooms shall be exempt.
- s) Ancillary plant rooms (where plant is not core activity/operation) shall be exempt.

For clarification purposes, the following developments will not be exempt from the requirement to pay development contributions:

- Third level educational institutions and student accommodation.
- Single rural houses.

PAYMENT OF CONTRIBUTION

11. Conditions requiring payment of the contributions provided for in the Scheme will be imposed in all decisions to grant planning permissions made from the operative date of the Scheme by the Council. The operative date of the scheme is from 1st January 2016.
12. The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed by the Council. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note I to the Table at Article 9 above. Outstanding balances may be subject to interest charges.
13. The Council may facilitate the phased payment of contributions payable under the Scheme, and the
14. The Council may require the giving of security to ensure payment of contributions.

APPEAL TO AN BORD PLEANÁLA ("the Board")

15. An appeal may be brought to the Board where the applicant for planning permission under Section 34 of the Act considers that the terms of the Scheme have not been properly applied in respect of any conditions laid down by the Council.

REVIEW OF SCHEME

16. The Scheme may be reviewed from time to time by the Council having regard to circumstances prevailing at the time. After a review of the Scheme, a new Scheme may be made. The Scheme is effective from 1st January 2016. The Council will endeavour to make a new scheme prior to 31st December, 2020 but this Scheme will continue in full force and effect until a Scheme comes into effect, whether before or after that date.

SPECIAL DEVELOPMENT CONTRIBUTIONS

17. A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by the Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2016 – 2020, are incurred by the Council in the provision of a specific public infrastructure or facility. (The particular works will be specified in the planning conditions when special development contributions are levied). Only developments that will benefit from the public infrastructure or facility in question will be liable to pay the special development contribution. Conditions imposing special contributions may be appealed to An Bord Pleanála.

EFFECTIVE DATE

18. **This Scheme is effective in respect of decisions made from 1st January 2016.**

CITATION

19. This Scheme may be cited as the Dún Laoghaire-Rathdown County Council Development Contribution Scheme (2016-2020), 2015.

APPENDIX I

TABLE A: COSTS INCLUDED IN SCHEME (BOTH COUNTYWIDE AND SUFP AREA)

Costs attributable in the lifetime of the Scheme to the classes of infrastructure and facilities:

| | Cost Included in Scheme (Millions) | Contributions Allocated (Millions) | % Contributions Allocated |
|--|---|---|----------------------------------|
| Class 1 Community & Parks facilities and amenities | €142.97 | €50 | 37.9% |
| Class 2 Roads infrastructure & facilities | €180.51 | €78.85 | 59.7% |
| Class 3 Surface Water infrastructure and facilities | €15 | €3.14 | 2.4% |
| Total costs included in Scheme | €338.48 | €131.99 | 100% |

TABLE B: PROJECTED DEVELOPMENT

Units of projected residential development and projected industrial/commercial development and projected domestic extension development in excess of 40 square metres (in the years to 2020):

| Residential | Industrial/ Commercial | Domestic Extensions in excess of 40 sq.m. |
|--------------------|-------------------------------|--|
| 11,900 units | 210,474 sq.m | 54,450 sq.m. |

APPENDIX II – PROJECT LISTS

COUNTYWIDE

Class 1: Community & Parks

Blackrock Park Masterplan
Fernhill Masterplan
Marlay Masterplan
Shanganagh Masterplan
Cabinteely Masterplan
Clonkeen Masterplan
Dún Laoghaire Baths
Jamestown Park, Stepside (former landfill)
Kilbogget Park – Sports Hub
Library development programme
Shanganagh Castle
Recreational Facilities and Pitches
Glenalbyn Pool Replacement
Samuel Beckett Campus
Stepside Sports Hub
Urban Parks & Open Spaces Regeneration
Public Realm
Village Improvement Schemes

Class 2: Roads

Traffic Management/Sustainable Travel

Annual Traffic Works Programmes to include the following:

Walking & Permeability

New traffic signals and ITS strategy

Junction upgrades

Residential Speed Limits and Slow Zones

Road Safety

School Zones

Cycle Network Infrastructure and Initiatives including Sutton to Sandycove

Greenways

Traffic Management Studies and Implementation

Sustainable Travel

DMURS (Delivery of Principles of the Design Manual for Urban Roads and Streets within existing road network)

Road Refurbishment

Minor Road Reconstruction

Road and Footpath Improvements

Flood Alleviation

Major Road Improvement Schemes

Leopardstown Link Road and Roundabout Reconfiguration

Foxrock Village Carpark

Blackglan Road/Harold's Grange Road/College Road (phased development)

M50 Foot/Cycle Bridge

Rochestown Avenue/Abbey Road

Shanganagh Road
Kilgobbin Road
Hillcrest Road
Kiltiernan/Glenamuck LAP Associated Works (Exclusive of Section 49 Scheme)
Dublin Road, Bray (Part)
Strategic Transportation Feasibility Studies
Brennanstown Road
R118 Cherrywood to Dun Laoghaire
Cherrywood SDZ Kiltiernan Link Road
Assessment of Strategic Road Network Performance - Cherrywood SDZ Area
Provision of direct/dedicated walking/cycling link between Bray and the Cherrywood SDZ Area
Provision of improved walking/cycling links between N11 Corridor and the Cherrywood SDZ Area
Provision of additional traffic and demand management measures onto the M50
Provision of direct/dedicated walking/cycling link between Sandyford Business District and the Cherrywood SDZ
Provision of traffic and demand management measures countywide

Class 3: Surface Water

Screen upgrades, including cameras
SW Pipe Installation / Repairs / Goatstown Road etc.
Flood Risk Assessments
River Bank Repairs / Stabilisation
River Gauge Installation
Gully/Floodgate Installation
OPW Minor Works Contribution
Medium / Major Scheme Cost, including design
CCTV Surveys

APPENDIX II – PROJECT LISTS

SANDYFORD URBAN FRAMEWORK PLAN AREA ONLY

Class 1: Community & Parks

Benildus Park
Town Centre Civic Park

Class 2: Roads

Traffic Management/Sustainable Travel
ESB Link Road
Bracken Link Road