

# **Dún Laoghaire-Rathdown County Council**

**Cherrywood Planning Scheme Development Contribution Scheme  
2017-2020**

**Comprising Countywide and Cherrywood Planning Scheme**

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

## **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.
5. The Definitions of Terms are of the Planning and Development Act 2000(as amended).

## **BASIS FOR DETERMINATION OF CONTRIBUTION**

6. The basis for determination of a contribution under the Cherrywood Planning Scheme Development Contribution Scheme, 2017 – 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 have been included 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. 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 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 Cherrywood Planning Scheme Development Contribution Scheme, 2017 – 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 Cherrywood Planning Scheme boundary 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).

## 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 set out below.

**Countywide excluding the Cherrywood Planning Scheme area and the Sandyford Urban Framework Plan (SUFP)** (as per the Dún Laoghaire Rathdown County Council Development Contribution Scheme adopted 14<sup>th</sup> December 2015).

**TABLE 1**

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

## Cherrywood Planning Scheme Area Only (comprising Countywide & Cherrywood)

**TABLE 2**

<b>Class of Public Infrastructural Development</b>	<b>€ per unit of Residential Development</b>	<b>€ per square metre of Domestic Extensions in excess of 40 sq.m</b>	<b>€ per square metre of Industrial/ Commercial class of Development</b>
Class 1: Community & Parks facilities & amenities	<b>€4,051.64</b> (€3,290.12 + €761.52)	<b>€28.41</b>	<b>Office €38.38</b> (€28.41 + €10.07)  <b>Other €36.29</b> (€28.42+€7.88)
Class 2: Roads infrastructure & facilities	<b>€7,874.15</b> (€5,068.55 + €2,805.60)	<b>€43.78</b>	<b>Office €80.88</b> (€43.78 + €37.10)  <b>Other €72.72</b> (€43.78+€29.04)
Class 3: Surface Water Infrastructure	<b>€662.31</b> (€221.33 + €440.88)	<b>€1.91</b>	<b>Office €7.74</b> (€1.91 + €5.83)  <b>Other €6.47</b> (€1.91+€4.56)
<b>Total of Contributions Payable</b>	<b>€12,588.00</b>	<b>€74.10</b>	<b>Office €127.10</b> <b>Other €115.58</b>

Drawing No. PL-17-066 shows the Cherrywood Planning Scheme outlined in blue.

Car Parking in the Cherrywood Planning Scheme Area will be levied at Countywide rates only.

NB: The Countywide element of this Scheme contributes to the funding of the infrastructure set out in Appendix II.

The Cherrywood Planning Scheme Area element of the Development Contribution shall be used solely to fund infrastructure identified in the Scheme Area, as listed in Appendix III – Cherrywood Planning Scheme Projects List (equates to the total in Table 2 minus the total in Table 1).

In the preparation of this Scheme it was anticipated that 2,000 residential units and 45,000 square metres of industrial/commercial development will be constructed during the life of the Scheme i.e. to 2020.

**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 the date of adoption of this Scheme.

## **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 categories of development that are anticipated as being exempt from the requirement to pay development contributions under the Scheme, or that would be required to pay a reduced contribution are as those listed in the Dún Laoghaire Rathdown County Council Development Contribution Scheme adopted 14<sup>th</sup> December 2015

- 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:
  - 0% of normal rate for permissions of up to 5 years
  - 50% 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
- t) Where the Landowner incurs costs in constructing Common Infrastructure on their Lands as described in Appendix II and III, a method of calculation will be applied whereby the costs determined can be set off against Development Contribution Levies payable by the Landowner under Planning Permission. All particulars pertaining to this method of calculation and methodology for levy offset will form part of a Legal Agreement between Dun Laoghaire Rathdown County Council and the respective Landowner. This reduction only applies once this Legal Agreement has been signed by the Landowner.

## **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 the date of adoption of this Scheme.
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.

## **REVIEW OF SCHEME**

15. The Scheme is effective from the date of adoption of this Scheme. 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**

16. A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by the Cherrywood Planning Scheme Contribution Scheme, 2017 – 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**

17. This Scheme is effective in respect of decisions made from the date of adoption of this Scheme.

## **CITATION**

18. This Scheme may be cited as the Cherrywood Planning Scheme Development Contribution Scheme (2017-2020).

For clarity the scheme adopted in December 2015 for the Countywide excluding Sandyford Urban Framework Plan Area and the Sandyford Urban Framework Plan Area Only (comprising Countywide plus Sandyford) is not amended.

This Scheme is to supercede the Cherrywood Planning Scheme (comprising Countywide only) as set out in the Development Contribution Scheme adopted in Dec 2015 for the Cherrywood part of this County's functional area (see attached drawing no. PL-17-066) with a scheme for the Cherrywood Planning Scheme Area comprising a Countywide contribution and a Cherrywood Planning Scheme contribution.

## APPENDIX I

**TABLE A: COSTS INCLUDED IN SCHEME**

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

	<b>Cost Included in Scheme (Millions)</b>	<b>Contributions Allocated (Millions)</b>	<b>% Contributions Allocated</b>
Class 1: Community & Parks facilities & amenities	<b>€164.87</b>	<b>€51.87</b>	<b>36.56%</b>
Class 2: Roads infrastructure & facilities	<b>€220.56</b>	<b>€85.77</b>	<b>60.46%</b>
Class 3: Surface Water Infrastructure	<b>€21.5</b>	<b>€4.23</b>	<b>2.3%</b>
<b>Total costs included in Scheme</b>	<b>€406.93</b>	<b>€141.87</b>	<b>100%</b>

**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):-

**Table B: Countywide including Sandyford Urban Framework Area**

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

**Table C: Cherrywood Planning Scheme area \***

<b>Residential</b>	<b>Commercial</b>
2,000 units	45,000 sq. m

*\*Figures based on projected delivery in lifetime of Scheme*

## **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

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

M50 Foot/Cycle Bridge

Rochestown Avenue/Abbey Road Shanganagh Road

Kilgobbin Road

Hillcrest Road

Kiltarnan/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 Kiltarnan 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 III: Cherrywood Planning Scheme Projects List**

(<http://www.dlrcoo.ie/en/planning/cherrywood-sdz>)

### **Class 1: Community & Parks facilities and amenities**

#### ***Ref Map 5.1, Planned Public Open Space, page 52 of the Cherrywood Planning Scheme***

The Class 1 Amenity Open Space, Class 2 Neighbourhood Plaza, Natural Greenspace and Greenways indicated on Map 5.1 and Table 5.1 of the Planning Scheme

### **Class 2: Roads Infrastructure and facilities**

#### ***Ref Map 4.5 page 39 of the Cherrywood Planning Scheme***

To include the following roads infrastructure and facilities as indicated in Chapter 4 of the Planning Scheme

Grand Parade (B-C, B- A2)

Grand Parade (A2 – A3) – road only

Tullyvale Road (A – B & roundabout)

Cherrywood Avenue (G – H (new roadway), upgrades of H – A3, A3 – I, I – A, J – H)

Barringtons Road (C – P, C – D and D – E)

Druid's Glen Road (Q-P3)

Druid's Glen Road (P3 – P)

Beckett Road (E – E2 - F and F – G incl. underpass)

Grand Parade Bridge only over Wyattville Link Road

Bishops Street (F-F1, F1 – A2 and A2-A1)

Pedestrian / Cycle bridge only over the Wyattville Link Road

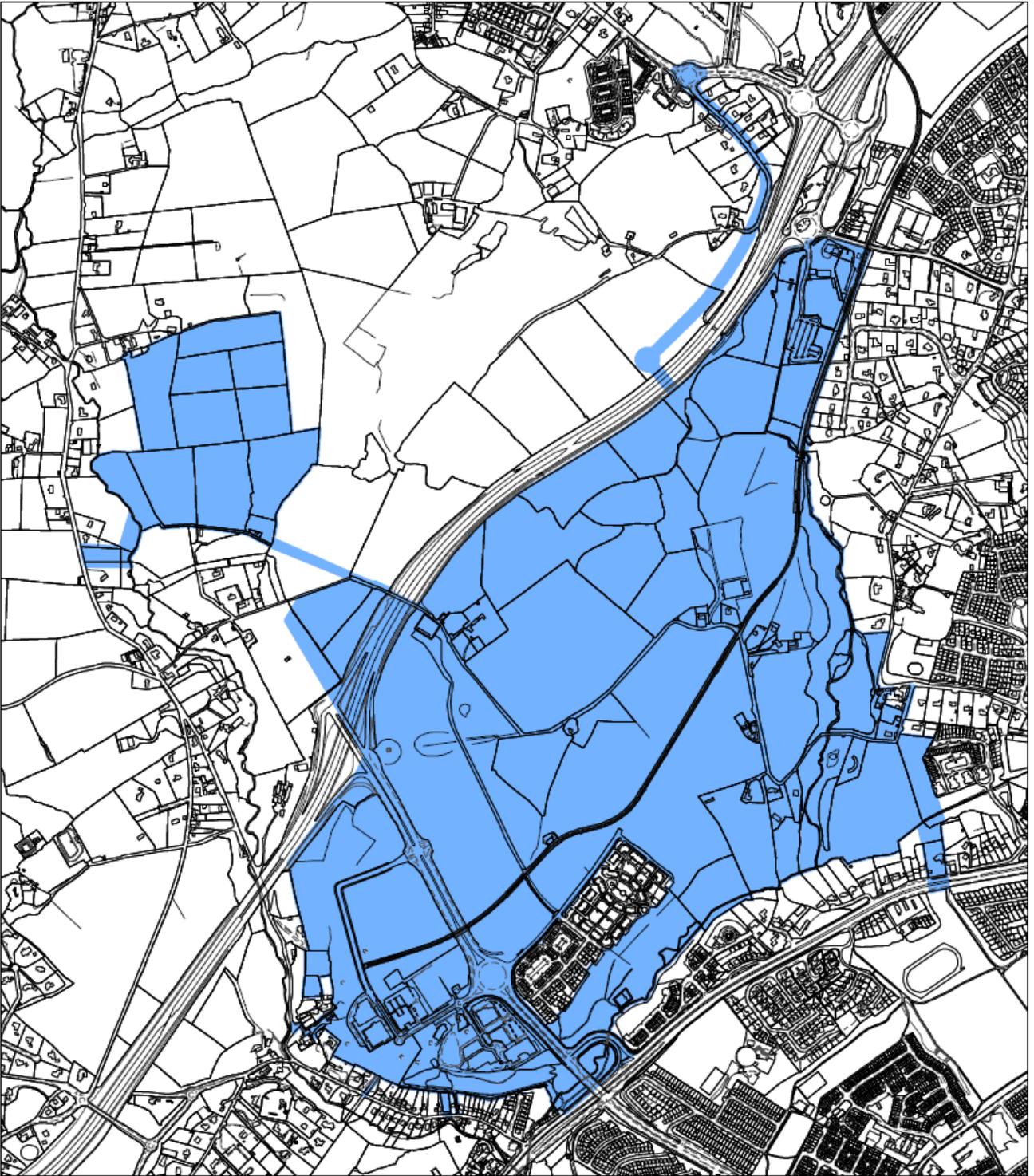
Castle Street (M – F1) (bus, pedestrian and cycle supporting infrastructure)

Gun & Drum Hill (section P2 to Castle Street) (pedestrian and cycle supporting infrastructure)

### **Class 3: Surface Water Infrastructure and facilities**

#### ***Ref Map 4.2, page 34 of the Cherrywood Planning Scheme***

The following storm water infrastructure: detention basins and ponds as shown on Map 4.2 of the Planning Scheme.




**Section 48**  
 Cherrywood Planning  
 Scheme, 2014, Area



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**M Hierarchy**  
 Director  
 Planning and Organisational Innovation  

 Dublin City Council  
 Planning and Organisational Innovation

**Draft Cherrywood Planning Scheme Section 48**  
**Development Contribution Scheme**  
**2017 - 2020**

Senior Planner: D. Byrne	Chief Tech: M. Heavlin
Prepared By: E. Gordon	Drawn By: M. Heavlin
Date: February 2017	Scale: 1:15,000
	Drawing No: PL-17-066