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**South Dublin County Council
Draft Development Contribution Scheme 2010 - 2017**

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

INTRODUCTION

1. Sub-section (1) of section 48 of the Planning and Development Act, 2000 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) 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.

(b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.
3. (a) Subsection (3) 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 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 provision 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 and may require the giving of security to ensure payment of contributions.

DEFINITIONS

5. (i) Section 48 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, drains and watermains,
 - (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, and
 - (f) any matters ancillary to paragraphs (a) to (e)".
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 South Dublin County Council Development Contribution Scheme 2010 - 2017 ("the Scheme") is as follows:-
- (a) The amount of the costs which are attributable, in the years to 2017 to the four classes of public infrastructure and facilities (listed in the table at Article 9 below). These costs are given in Table A of Appendix I which is annexed to this Scheme.
 - (b) The aggregated floor areas in square metres of projected development, in the years to 2017, in each of the classes or descriptions of development, namely, residential class and industrial/commercial class. These floor areas are given in Table B of Appendix I which is annexed to this Scheme.
 - (c) The development contributions payable per square metre of residential development, and 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;

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

DEVELOPMENT CONTRIBUTION SCHEME

7. This South Dublin County Council Development Contribution Scheme 2010 - 2017 ("the Scheme") is made under Section 48 of the Planning and Development Act, 2000 ("the Act").
8. Under the Scheme, South Dublin 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 South Dublin and that is provided, or that it is intended will be provided, by or on behalf of South Dublin 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 are as follows:-

| Class of Public Infrastructural Development | € per square metre of Residential Development | € per square metre of Industrial/ Commercial class of Development |
|--|--|--|
| Class 1: Roads infrastructure & facilities | 76.79 | 71.03 |
| Class 2: Water & Drainage infrastructure & facilities | 4.37 | 4.04 |
| Class 3: Community facilities & amenities | 25.16 | 23.28 |
| Class 4: Parks and open spaces facilities & amenities | 13.68 | 12.65 |
| Total of Contributions Payable | €120.00 | €111.00 |

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 Wholesale Price Index (Building and Construction Materials) (See Article 12 of the Scheme below). The above rates are effective from 1 January 2010.

Note 2: The floor area of proposed development shall be calculated as the gross floor area. This means the gross floor area determined from the external dimensions of the proposed buildings, including the gross floor area of each floor including mezzanine floors.

Note 3: New extensions to existing developments will be charged at the above rates also.

EXEMPTIONS AND REDUCTIONS

10. The following categories of development will be exempted from the requirement to pay development contributions under the Scheme:
- Development by charities for non-profitable development;
 - The first 40sq metres of extensions to a residential development (subsequent extensions or extensions over and above 40square metres to be charged at the residential rate per square metre);
 - Social 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

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voluntary or co-operative housing body, which is recognised as such by the Council.

- Ancillary surface car parking;
- Non-fee paying primary schools and secondary schools;
- Open storage/Hard surface commercial space development, other than car-parking – shall be liable for development contribution at one third of the total commercial rate;
- Childcare facilities to be exempt;
- Agricultural buildings to be exempt;
- 50% reduction in commercial rate for buildings ancillary to Horticultural developments;
- Developments for which either public piped sewerage services or water services are unavailable will be exempted from the contribution amount attributable to the water and drainage class of public infrastructure and facilities;
- Development by voluntary not for profit clubs, non-statutory groups/organisations for non-commercial community related developments;
- The non-built elements of recreational facilities (eg. Playing pitches, golf courses);
- Development in receipt of a disabled persons grant;
- Signage / Shop Fronts;
- Entrance Gates / Railings / Fencing etc.;
- Elevational Alterations;
- Internal layout change – Where no additional floor area is created;
- Power Lines;
- Antennae Structures;
- Sewer / Drainage / Road Construction / Provision of infrastructural facilities;
- Bus Shelters;
- Substations / Switch Rooms.

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 following the making of the Scheme by the Council. The operative date of the scheme is from 1st January 2010.

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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 the Note I to the table at Article 9 above. Outstanding balances may be subject interest charges.
13. The Council may facilitate the phased payment of contributions payable under the Scheme, and the Council may require the giving of security to ensure payment of contributions.

APPEAL TO AN BORD PLEANÁLA ("the Board")

14. 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

15. 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 2010 until 31st December 2017, unless a new scheme is made in the interim.

SPECIAL DEVELOPMENT CONTRIBUTIONS

16. A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by the South Dublin County Council Development Contribution Scheme 2010 - 2017 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.
17. **This Scheme is effective in respect of permissions granted from 1st January 2010.**

APPENDIX I**TABLE A - COSTS INCLUDED IN SCHEME**

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

| | Total Projected Costs €m | Net Contributions Required €m | Contributions Allocated €m | Funding Gap €m |
|---|---|--|---|---------------------------|
| Class 1: Roads infrastructure & facilities | 176.7 | 118.4 | 68.8 | 49.6 |
| Class 2: Water & Drainage infrastructure and facilities | 86.9 | 6.6 | 3.9 | 2.7 |
| Class 3: Community facilities and amenities | 52.6 | 38.6 | 22.6 | 16.0 |
| Class 4: Parks and open spaces facilities and amenities | 17.3 | 20.9 | 12.3 | 8.6 |
| Total | 333.5 | 184.5 | 107.6 | 76.9 |

TABLE B – PROJECTED DEVELOPMENT

Units of projected residential development (averaged at 100 square metres) and projected industrial/commercial development (in the years to 2017):-

| <u>Residential</u> | <u>Industrial/Commercial</u> |
|---------------------------|-------------------------------------|
| 6,400 units | 280,000 sqm |

APPENDIX II – PROJECT LISTS

Roads

1. Outer Ring Road
2. DTO Related Schemes
3. Nangor Road Realignment
4. Belgard Road to Outer Ring Road (Part of Walkinstown / Saggart Rd)
5. Newcastle Road Realignment R120
6. Rathcoole Relief Road Phase 1 GAA to Stoney Lane
7. Whitechurch Road
8. Greenhills/Ballymount reconfig (Limekiln + QBC + Greenhills + Robinhood Rd) Calmount
9. Conroys Lane
10. Greenhills Road Reconfiguration (Part of Walkinstown / Saggart Rd)
11. Stocking lane (Road Upgrade)
12. Traffic Management Centre
13. Footpath repairs
14. New footpaths
15. Parking and Signing Infrastructure
16. Demand Management Strategy
17. Tallaght Area Plan
18. N4 Park & Ride
19. N7 Park & Ride
20. County Wide Modelling
21. Scholarstown/ Killininny (offset Maplewood)
22. St Lomans Road (offset Maplewood)
23. Ballyowen lane (offset Maplewood)
24. Ballyowen lane (offset Murray)
25. Fortunestown Lane (offset Devondale)
26. ANPR
27. Naas Rd Redevelopment

Water & Drainage

1. Dodder Valley Foul Sewer Improvement Scheme (SLI)
2. Boherboy Water Supply Scheme
3. Asset Management Study
4. Greater Dublin Drainage (Contract 9B) Improvement Scheme (Stage 1)
5. Saggart Rathcoole Drainage Collection Improvement Scheme
6. Greater Dublin Drainage (Contract 9B) Improvement Scheme (Stage 2)
7. Water Refurbishment
8. Water Network Management
9. Mechanical Refurbishment
10. Drainage Refurbishment
11. Drainage Regional Projects
12. Water Regional Projects

Community

1. Adamstown Civic Centre/Sports Hall
2. Jobstown Youth Facility
3. Lucan Swimming Pool
4. Music Recording Studio
5. Palmerstown CC
6. Clonburris
7. Balgaddy
8. Neilstown Boxing Club
9. Adamstown Civic Centre Library
10. Liffey Valley Regional Library
11. Ballyroan Community Centre
12. Ballyroan Pastoral Centre
13. Ballycragh Community Centre
14. Templeogue House
15. Civic Theatre
16. Fettercairn C.C
17. Knockmitten C.C
18. National Disability Strategy Works
19. West Abbey Belfry
20. Clondalkin Swimming Pool
21. St Muirins CC Avonbeg
22. Rowlagh CC
23. South West Clondalkin CC

Parks

24. Griffeen
25. Grange Park - Griffeen Valley
26. Rowlagh
27. St Cuthberts
28. Waterstown - Liffey Valley
29. Stewarts - Liffey Valley
30. Lucan Demesne - Liffey Valley
31. Lucan Promenade - Liffey Valley
32. Collinstown Park
33. Ballyowen
34. Ballymount
35. Corkagh
36. Clondalkin Park
37. Killinarden
38. Jobstown
39. Sean Walsh
40. McGee
41. Rathcoole
42. Rathfarnham
43. Dodder Valley
44. Owendoher Walkway
45. Tymon East
46. Bancroft
47. Ballycragh
48. Kiltipper
49. Tymon West
50. Dublin Mountain Partnership