COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL

OCTOBER 2020 COUNCIL MEETING

12th October 2020

HEADED ITEM NO 14

**CHIEF EXECUTIVE’S REPORT ON PUBLIC CONSULTATION**

**DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2021-2025 (Section 48, Planning and Development Act 2000, as amended).**

The Council was advised at the July 2020 Council Meeting that under [Section 48 of the Planning and Development Act, 2000,](http://www.irishstatutebook.ie/eli/2000/act/30/section/48/enacted/en/html) as amended, a Draft Development Contribution Scheme for the period 2021-2025 had been prepared for public display.

It was agreed at that (July 2020) meeting that the Council would publish notice on 20th July 2020 of the commencement of public consultation on the draft Development Contribution Scheme 2021-2025, with a view to a report on that consultation being brought to the September 2020 meeting of the Land Use Planning and Transportation SPC, and a full report and recommendation on the making of the Development Contribution Scheme 2021-2025 to the October 2020 Council meeting.

**Public Consultation**

Notice of the Draft Development Contribution Scheme 2021-2025 was published in the Irish Independent, the Irish Times and the ECHO confirming that the Draft Scheme was on public display from **Monday 20th July 2020 until** **Friday 4th September 2020** inclusive.

Copies of the Draft Scheme were available for public inspection at Council Offices and on the Council’s website via the Council’s consultation portal at [**http://consult.sdublincoco.ie**](http://consult.sdublincoco.ie)**.**

for the duration of the consultation phase.

In addition, copy of the Draft Scheme was circulated to

* the Elected Members of the Council,
* the Minister for Housing, Local Government and Heritage.

Submissions or observations with respect to the Draft Scheme were accepted up to close of business on Friday 4th September 2020.

In accordance with Section 48 of the Planning and Development Act, 2000, as amended, the Chief Executive is required, not later than four weeks following receipt of submissions, to prepare a Report on the submissions received and to submit this to the Elected Members. The Chief Executive’s Report is set out below.

“The Act” also provides that the Scheme shall be made by the Council not later than six weeks after the receipt of the Chief Executive’s Report, unless the Council decides by resolution to vary or modify the Scheme, otherwise than as recommended in the Chief Executive’s Report, or otherwise decides not to make the Scheme.

**Submissions:**

A list of submissions received during the public consultation phase and a summary of the issues raised together with the Chief Executive’s response is set out below. Two submissions were received.

1. Housing Procurement Unit, South Dublin County Council
2. Tom Fennell on behalf of the Firhouse Village

**Summary of Issues Raised and Chief Executive’s Response**

The issues raised in the submissions are set out below. Only issues relevant to the Draft Development Contribution Scheme have been summarised and addressed.

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|  | **ISSUE** | **CHIEF EXECUTIVE’S RESPONSE** | **RECOMMENDATION** |
| **1** | Under the Council’s current Development Contribution Scheme (DCS), leased Part V units are not exempt from development contributions, unlike purchased Part V units which are exempt.The corresponding exemption in the case of other local authorities (e.g. Cork City, Kildare, Dun Laoghaire-Rathdown) uses the term “provided” rather than “purchased”. This allows for all Part V units to be exempt from Development Contributions. The submission requests that the wording be amended accordingly in the proposed SDCC DCS in order to reflect the option to lease Part V units introduced in 2015. | The request to substitute the word ‘provided’ for the word ‘purchased’ is considered reasonable and more correctly reflects the options of the Council in relation to Part V provision. | Apply change |
| **2** | Firhouse Village should be restored to its rightful Village Status, with 50% rates reduction which can be the difference between staying opened and closure for local businesses.Request that before money is spent from contributions on a new bridge across the Dodder from Seskin View to Mount Carmel and before any Firhouse Weir project is undertaken under a new name that the residents of Firhouse are provided with a new consultation process.  Request that original proposal for the restoration of a Mill Wheel project be included in those consultations.Want SDCC to restore "Village Status" and to compensate for 15 years of being excluded from Development Contributions to have at least €5 Million allocated to Firhouse Village both from the current Development Contributions and the new fund.Need funds allocated in Firhouse Village to repair wall at Woodlawn Park; to install double yellow lines along both sides of road from Carrigwood to Firhouse Community Centre; and to repair boundary wall at Firhouse Credit Union. Include a fund for boundary treatment in the Development Contribution Scheme.  The calculations per Sq Mtr for Development Contributions are agreed on the land valuation for that area.The process by which development contributions are determined between a developer and a council representative is unclear, unsafe and unreliable and there is zero accountability.We are calling on SDCC to do their job, collect ALL Development Contributions and provide 10% integrated social housing. Development contributions should not be avoided by land swaps.Request SDCC to introduce a Certificate of Compliance that will only be issued when Development Contributions are up to date for the specific house being sold and with possession of such  certificate the buyer will not be responsible for any contributions unpaid due to developer going bust. | Rates are a separate charge which apply to commercial premises. Development contributions are only applied when development takes place. Public consultation is an integral part of the development (Planning) process for any Council / Public Body project which is subject to Part 8 ( Statutory Public Consultation process) and indeed non statutory consultation is undertaken for many proposals which are not subject to the Part 8 process. ‘Village’ status does not determine whether development contributions are available for a given location. In the preparation of the Draft Development Contribution Scheme, the Council drew up a list of projects for which development contributions are to be made available. These were determined on the basis of a number of criteria including need and having regard to the availability of other funding streams. The Draft Development Contribution Scheme provides for several projects relevant to Firhouse including improvements to the Firhouse Road (‘Firhouse Road IV Stage 2’) and a proposed BMX track and Pavilion (‘Dodder Valley Mt Carmel phase 3’). In terms of prioritising projects, it should be noted that the project lists contained in development contribution schemes are indicative and are not intended to be exhaustive or exclusive. Project funding must be adaptable to changing objectives and requirements as priorities may change over the life of a Scheme.The Draft Development Contribution Scheme lists specific projects which are identified for funding based on need and other criteria. Small-scale issues/projects such as those mentioned in the submission are more appropriately dealt with under different work programmes and funding streams. The Development Contribution Scheme is prepared in accordance with guidelines from central government. Levies are applied at a rate equally across the County, except for any exemptions contained within the scheme. Levies are applicable on a sqm basis determined over several factors. They are not calculated with relevance to location and / or land valuationThe basis for determination of development contributions, as set out in the Draft DCS, is as follows:1. Calculation of the amount of the costs attributable to the five classes of public infrastructure and facilities – (1) Transport Infrastructure and Facilities; (2) Surface Water and Environment Infrastructure and Facilities; (3) Community Facilities and Amenities; (4) Parks and Open Space Amenities and Facilities; (5) Economic Enterprise and Tourism Development including Libraries;
2. The aggregated floor areas in square metres of projected development, in the years up to and including 2025, in each of the classes or descriptions of development, namely, residential class and industrial/commercial class.
3. Development contributions payable per square metre were determined upon consideration of several factors including eligible costs of projects; expected quantum of development; level of existing contributions rates;
4. An examination of current market conditions.

Similarly, in terms of clarity, accountability and reporting and controlling expenditure: financial contributions collected are accounted for in a separate Capital Account and are used to part finance the Councils’ Capital Works Programme which is NOTED by the elected Members on an *annual* basis. Details of capital expenditure is also included in the Council’s Annual Financial Statement which is subject to full external audit on an annual basis, and assessment of the audit report by an Audit Committee comprising of elected and non-elected members. The Capital Works Programme serves to review and prioritise projects annually and is a more reliable source of confirming how development contributions are allocated than the indicative contribution scheme lists. A reduced contribution or no contribution applies in certain limited circumstances listed in the Draft DCS. In all other cases, contributions as due are invoiced upon receipt of a validated Commencement Notice.Some social housing is provided via Part V agreements (Planning and Development Act, 2000, as amended)). This allows various types of agreements including provision via transfer of land ownership to the Local Authority (LA); Build and transfer ownership to the LA or persons nominated by the LA; Transfer to the ownership of the LA or persons nominated by the LA of housing units on any other lands within area of LA; Lease of housing units to LA on planning application site or other land within area of LA; various combinations of options both including and not including transfer of ownership of land as set out in the Act. These options under legislation were designed to give flexibility and ultimately to improve the speed and efficiency of delivery of social housing units. On request, SDCC issues letters confirming that development contributions have been paid in respect of a particular development.  | No changeNo ChangeNo changeNo changeNo changeNo changeNo changeNo change. |

It is recommended that the Draft Section 48 Development Contribution Scheme 2021-2025 as published attached be adopted, ***subject to one amendment in respect of exemption for Part V “provided”*** .

**Note 1:** These rates of contribution shall be effective for all permissions *granted* by South Dublin County Council and An Bord Pleanála after 1st January 2021 for development within the administrative area of South Dublin County Council, irrespective of when the planning application was submitted. The rates shall be fixed from **1stJanuary 2021** until 31st December 2021.

**Note 2:**  Indexation in accordance with the Chartered Surveyors of Ireland Construction Tender Price Index will apply annually on 1st January, effective from 1st January 2022. Having regard to economic or other circumstances, it may be considered appropriate not to apply this indexation for any year (s).