

**Dublin City Council
Development Contribution Scheme 2016 - 2020**

(under 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) 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, as amended and may require the giving of security to ensure payment of contributions.

DEFINITIONS

5. (i) Section 48 of the Planning and Development Act 2000, as amended ("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, 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)".
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 Dublin City 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 five classes of public infrastructure and facilities (listed in the table at Article 9 below). These costs are given in Table A of Appendix I of this Scheme
 - (b) The aggregated 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 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;

And the following:

- (d) An examination of current market conditions

The result of the above analysis is shown in Article 9 of the Scheme.

DEVELOPMENT CONTRIBUTION SCHEME

7. This Dublin City 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, Dublin City 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 City and that is provided, or that it is intended will be provided, by or on behalf of Dublin City 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) in respect of the different classes of public infrastructure and facilities are as follows:-

10.

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	26.13	21.19
Class 2: Drainage (surface water/flooding) infrastructure & facilities	12.62	10.24
Class 3: Community facilities & amenities	10.27	8.33
Class 4: Parks and open space facilities	14.83	12.02
Class 5: Urban regeneration facilities & amenities	22.55	18.28
Total of Contributions Payable	€86.40	€70.06

Note 1: This Scheme is effective in respect of Planning Applications lodged with Dublin City Council from the 1st of January 2016, where a development contribution is applicable under this Scheme. *This Scheme is also effective in respect of existing permissions granted before this date which have not yet commenced.*

The above rates shall be fixed from 1st January 2016 to 31st December 2017. Consideration may be given to applying indexation to the rates of contribution effective from 1st January 2018 in consideration of the SCSi Construction Tender Price Index.

Note 2: With the exception of ancillary non-residential surface car parking, the floor area of proposed development shall be calculated as the gross floor area. This means the area ascertained by the internal measurement of the floorspace on each floor of a building (including internal walls and partitions) and including mezzanine floors. In the case of multi-unit residential buildings, only the gross floor area of each residential unit will be included.

Note 3: New extensions to existing developments, including domestic extensions, will be charged at the above rates subject to Exemptions and Reductions Clause 11.

CONTRIBUTION IN LIEU OF OPEN SPACE

11. The Dublin City Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. The Plan provides that in the event of the planning authority considering a site to be too small or inappropriate to fulfill Dublin City Development Plan requirements for open space provision a financial contribution towards provision of or improvements to a

park and/or enhancement of amenities in the area in line with the City's Park Strategy shall be required.

EXEMPTIONS AND REDUCTIONS

12. The following categories of development will be exempted from the requirement to pay development contributions under the Scheme:
- *Permissions for a change of use from one commercial use to another are exempt. Any net additional floorspace will be charged at the commercial rate;*
 - The first 40sq meters of extensions to a residential development (subsequent extensions or extensions over and above 40 square meters to be charged at the residential rate per square meter);
 - Development in receipt of a disabled persons' grant;
 - Social housing units, including those which are provided in accordance with an agreement made under Part V of the Planning and Development Act (as amended) or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council;
 - Non-fee paying primary schools and secondary schools;
 - Not-for-profit, community-run childcare facilities;
 - Development to be used for social, recreational or religious purposes and not to be used for profit or gain;
 - Development to be used as a workshop, training facility, hostel or other accommodation specifically for persons with disabilities and not to be used for profit or gain;
 - The non-built elements of recreational facilities (eg. Playing pitches, golf courses);
 - Works to, and change of use from residential use to commercial and vice versa, of buildings included in the Record of Protected Structures. Protected Structure refers to the actual structure(s) and does not include development within its curtilage;
 - Ancillary uncovered surface car parking;
 - Residential ancillary car parking;
 - Masts and antennae, dish and other apparatus/equipment for communication purposes that form part of the National Broadband Scheme (NBS) as defined by the Department of Communication, Energy and Natural Resources (DCENR);
 - *Renewable Energy (RE) development with a capacity up to 0.5MW will be exempt. Larger capacity RE development will be charged at €1,000 per each 0.1MW above an installed capacity of 0.5MW.*

13. **For clarification purposes, the following development will not be exempt from the requirement to pay development contributions;**
- **Third level educational institutions and student accommodation**
 - **Fee paying schools**
 - **Hospitals, medical facilities, primary care centres and similar developments including any ancillary buildings**
14. The following categories of development will be liable for a reduced rate of development contributions under the Scheme:
- Where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable is to be charged on the net additional floorspace created
 - In the case of a change of use from residential use to commercial and vice versa, development contributions will be calculated at 50% of the applicable rate. Where development contributions under a Section 48 Scheme were paid in respect of the former use, the contribution payable on the new proposal will be net of the quantum of development previously paid for. The Development Contribution Scheme does not provide for any rebate or refund in this regard. Agents/applicants should provide evidence of prior payment at application stage in order to expedite assessment and avail of this provision.
 - Permissions for minor extensions to Protected Structures shall be calculated at 50% of the applicable rate of contribution. For the purposes of this Scheme, minor extension is defined as a new extension which is no greater than 50% of the extent of the total floorspace of the Protected Structure. Protected Structure refers to the actual structure(s) and does not include development within its curtilage.
 - Open storage/hard surface commercial space development, other than car parking, shall be liable for development contributions at one third of the commercial rate.
 - Ancillary non-surface, non-residential car parking will be calculated at 50% of the applicable rate of contribution.
 - *Ancillary undercroft car parking will be calculated at 50% of the applicable rate of contribution.*
 - Temporary permissions shall be liable for development contributions at one-third of the applicable rate of contribution. Further temporary permissions granted for the same development will not be charged provided they are granted within 5 years from the expiry date of the original temporary grant of permission (a maximum of one such additional temporary permission will apply). In cases where a subsequent full planning permission is granted for the same development the contribution payable on the new proposal will be net of the amount already paid.
15. **Exemptions and Reductions shall not apply to permissions for retention of development.**

PAYMENT OF CONTRIBUTION

16. 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 2016.

17. 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 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.
18. 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.
19. The Council, in accordance with statutory powers, may recover as a simple contract debt in a court of competent jurisdiction any contribution (including interest and legal costs) due to it under the terms of this scheme. Furthermore, the Council may instigate enforcement action under the Planning and Development Act, 2000 as amended in respect of unpaid development contributions and all associated costs and fees.
20. Where applicable, connections to drainage (surface water) services will be denied at commencement of development where the development contribution has not been paid in full or paid in part in an agreed installment plan. The development contribution is required for capital expenditure and therefore costs incurred for such matters as connections to such services are not included in the development contribution and are subject to separate connection fees.

APPEAL TO AN BORD PLEANÁLA ("the Board")

21. 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

22. 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 until 31st December 2020 unless a new scheme is made in the interim.

SPECIAL DEVELOPMENT CONTRIBUTIONS

23. A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by the Dublin City 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.

24. **APPENDIX I**

TABLE A: COSTS INCLUDED IN SCHEME

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

	Eligible Costs	% Contributions Allocated	Contributions Allocated
Class 1: Roads infrastructure & facilities	€68.0m	30.24%	€41.8m
Class 2: Drainage (surface water) infrastructure & facilities	€32.90m	14.61%	€20.2m
Class 3: Parks & open space facilities & amenities	€26.7m	11.89%	€16.4m
Class 4: Community facilities & amenities	€38.6m	17.16%	€23.7m
Class 5: Urban regeneration facilities & amenities	€58.8m	26.10%	€36.0m
Total costs included in Scheme	€225m	100%	€138.2m

TABLE B – PROJECTED DEVELOPMENT

Units of projected residential development and projected industrial/commercial development (in the years to 2020):-

<u>Residential</u>	<u>Industrial/Commercial</u>
15,000 units* (1,275,000 sqm)	400,000 sqm

*excludes social housing

APPENDIX II – PROJECT LISTS

Roads

1. Blackhorse Avenue (Section 2)
2. Grafton Street Quarter
3. St Stephens Green North Public Realm Improvement
4. College Green Public Realm Improvement
5. Pedestrian & Cyclist Bridge Docklands (Forbes Street)
6. Dodder Bridge (Gut)
7. Thomas Street Environs (footway improvements)
8. Underground Cycle Parking
9. Clonshaugh Road (Footway and boundary at northern end)
10. Balcouris Road Extension BRL
11. Stillogue Avenue / Main Street link road BRL
12. Balbutcher Lane South / Poppintree Park Lane West Junction BRL
13. Gateway Crescent Extension BRL
14. Crumlin Village (at Garda Station)
15. Ratoath Road
16. Website Development - Cycledublin.ie
17. River Road
18. Richmond Road
19. Liffey Valley Park Pedestrian and Cyclist bridge
20. Dolphins Barn Improvement Scheme
21. Coolock Village
22. Dorset Street (Phase 7)
23. Capel Street (Mary St to Parnell Street)
24. Castle Street
25. Blackhorse Avenue (Section 4 Hole in the wall pub)
26. Raheny Village

Drainage(surface water) infrastructure and facilities

Flood Relief Schemes & Other Flood Risk Management Measures

1. Dodder Flood Alleviation Works Phase 2 to 5 (under construction)
2. South Campshires Flood Protection Project (under construction)
3. South Campshires SDZ Sir John Rogerson's Quay
4. Culvert Improvement Works, Screen Upgrade Works
5. Culvert Improvement Works, Camac Culvert Collapse, future works
6. Culvert Improvement Works, Wad Improvement Works (under construction)
7. S2S (Sutton to Sandymount)
8. Sandymount Flood Defences
9. Project 2100
10. Dublin Flood Forecasting & Flood Warning System

11. Implementing Flood Resilient City Outcomes
12. Flood Alleviation Fleet
13. Dollymount/Clontarf Flood Relief Project, Dollymount under construction.
14. North Campshires Flood Defence, future climate change.
15. Small Stream Improvement Works / Recommendations in GDSDS
16. Flood Emergency Works
17. Flood Defence Inspection Scheme
18. Flood Defence Repair Works

Surface Water Infrastructure Schemes

1. Surface Water Asset Management System
2. Surface Water Network Improvement Works
3. Sustainable Drainage Projects (incl Integrated Constructed Wetlands, Swales, Green Infrastructure)

Parks

Parks Historic Parks Conservation

1. Herbert Park
2. Blessington St Basin
3. Palmerston Park
4. Sandymount Green
5. St Patrick's Park
6. St Audeons Park/Church
7. Mountjoy Square
8. Merrion Square
9. Cuilin House and Courtyard
10. Windmill, Thomas Street

Parks Community

1. Community Parks Improvement Programme
2. Chocolate Park, Docklands
3. Weaver Park, Cork Street
4. Bridgefoot Street Park
5. City Farms

Parks Sport/Recreation

1. Parks Sport/Recreation Infrastructure
2. Kilbarrack
3. St Annes Park
4. Fr Collins Park
5. Bluebell
6. Rockfield Park * SPG
7. Springdale * SPG

8. Poppintree Park* SPG
9. Tolka Valley * SPG
10. Pitch Drainage and Goal Posts Etc.

Parks Playgrounds

1. Playgrounds Programme
2. Le Fanu Park

Parks Linear Parks/Greenway

1. Liffey Vale, Liffey Valley
2. Poolbeg Peninsula
3. Camac River
4. Santry River
5. Tolka River Greenway
6. Dublin Bay Greenway (Former S2S)
7. Dodder Valley

Parks Major Projects

1. Bull Island
2. St Annes Park
3. Bushy Park
4. Sculpture Installations
5. Interpretation and Signage Programme
6. Depot Improvement Programme
7. Land Acquisition

Community facility & amenities

1. Refurbishment of Community Buildings in North Central Area
2. Refurbishment of Community Buildings in Central Area
3. Refurbishment of Community Buildings in South East Area
4. Refurbishment of Community Buildings in North West Area
5. Refurbishment of Community Buildings in South Central Area

Libraries

1. Inchicore – access
2. Coolock – access
3. Finglas – replace
4. Donaghmede – replace
5. Drimnagh – new
6. Dolphins Barn – refurbish
7. Terenure – rebuild
8. Marino – access
9. New Civic Museum
10. Ballymun, Walkinstown & Charleville Mall – refurbish

Social Inclusion

1. Provision of premises for Social Inclusion outreach

Arts

1. Axis Centre Ballymun
2. Upgrade of Gallery - Hugh Lane

Cultural/Heritage Infrastructure

1. Henrietta St.
2. Richmond Barracks local connectivity
3. Kilmainham Mill - acquisition & refurbishment
4. St. Lukes, The Coombe
5. Pigeon House
6. Rates Office
7. 14 St. Stephens Green
8. Tourist Trails

Leisure/Sports

1. St. Catherines Sports Facility - pitch, carpark and plant upgrade
2. Finglas Sports and Fitness - new exercise studio & stop netting
3. Ballymun Sports and Fitness - re-tiling changing area
4. Clontarf All-weather pitches - carpark & landscaping
5. Irishtown Stadium - New pitch carpet, reception & extension
6. Ballyfermot Sports and Fitness - Gym extension, Carpark & Café
7. Northside Swimming Pool - gym extension
8. John Paul Park - full size all-weather pitch
9. Municipal Sports Centres
10. Community Recreation Centres - ongoing maintenance

Urban Regeneration

Public Realm Implementation Programme

1. Grafton Street Projects
2. College Green Placemaking and Environmental Improvements
3. St Stephens Green North (Grafton Street)

Linking Routes North South

1. Liffey Street Upper and Lower
2. Georges Street
3. Westmoreland Street - O'Connell Bridge
4. Malborough Street - Townsend St- Merrion Square
5. Tara Street/Townsend Street
6. North Lotts/Abbey Street - Liffey Street
7. Bachelors Walk/Ormond Quay/Eden Quay
8. Jervis Street

Linking Routes East/West

1. Dame Street-Georges St Jnc- Georges Street to Christ Church
2. Connolly to O'Connell Street Link
3. Mary Street/Mary Street Little/ towards Smithfield
4. Nassau Street
5. Pearse Street

Space and Placemaking

1. Bald Man Space Georges Street
2. Wolfe Tone Square
3. Aungier Street
4. Moore Street
5. Castle Street - Barnado Square - New project
6. City Markets /Arran Street
7. City Centre Play Destination (Smithfield)

Luas Associated Projects

1. O'Connell Street/Malborough Street Links, Cathal Brugha, Cathedral Street, Sackville Place, Earl Street North
2. Parnell Square & Links

Temple Bar Public Realm Plan/Civic Offices

Docklands SDZ Public Realm

Liberties Plan

1. Francis Street
2. Newmarket
3. Pimlico Green
4. High Street
5. Peace Garden

Others within Public Realm Strategy

1. Portobello Harbour
2. Street Cleaning/SUDs Projects (additional to greening in listed Public Realm Projects)

Others Outside Public Realm Strategy

1. Local Environmental Improvement Projects, holistic approach
2. Car Park/ Muga and Roads redesign with associated Landscaping (Markets)
3. Renovation of Market Building Daisy Market and new Toilet Block with service areas

Dublin Bikes Scheme