



Dublin City Council
Comhairle Cathrach Bhaile Átha Cliath

**Dublin City Council
Development Contribution Scheme 2013 - 2015**

(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 2013-2015 ("the Scheme") is as follows;

The following, which were originally set out in the Development Contribution Scheme 2010-2017:

- (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 of 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;

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 2013 - 2015 ("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, 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	34.56	28.02
Class 2: Water & Drainage infrastructure & facilities	57.61	46.71
Class 3: Community facilities & amenities	4.61	3.74
Class 4: Parks and open space facilities	12.67	10.28
Class 5: Urban regeneration facilities & amenities	<u>5.76</u>	<u>4.67</u>
Total of Contributions Payable	€115.21	€93.42

Note 1: These rates of contribution shall be effective from 1st January 2013. The above rates shall be fixed from 1st January 2013 to 31st December 2014 (See Article 13 of the Scheme below). The rate of contributions for the period 1st January 2015 to 31st December 2015 shall be determined at the appropriate time in consideration of any changes in the Tender Price Index in the intervening time.

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.

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

Note 3: New extensions to existing developments will be charged at the above rates also (subject to Clause 10 (a)).

CONTRIBUTION IN LIEU OF OPEN SPACE

10. Section 17.9 of 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 that a site is considered by the planning authority to be too small or inappropriate (because of site shape and general layout) to fulfill the City Development Plan requirements for open space provision, then a financial

contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required. Where there is evidence that sufficient public open space existing in the locality, consideration will be given to the provision of indoor recreational facilities with public access to residents and workers in the vicinity and any provision of such facilities must have regard to the objectives of 'Dublin City Sport and Active Recreation Strategy 2009-2016'

EXEMPTIONS AND REDUCTIONS

11. The following categories of development will be exempted from the requirement to pay development contributions under the Scheme:
 - 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);
 - 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.
 - Development in receipt of a disabled persons' grant;
 - Social and Affordable 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;
 - 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 surface car parking;
 - Residential ancillary non-surface 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)
Any new buildings associated with masts and antennae will be charged at the commercial rate.

12. **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 and similar developments**
13. 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
 - 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.
14. **Exemptions and Reductions shall not apply to permissions for retention of development.**

PAYMENT OF CONTRIBUTION

15. 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 2013.

16. 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.
17. 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.
18. 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 Acts, 2000-2011 in respect of unpaid development contributions and all associated costs and fees.
19. Where applicable, connections to water and sewerage 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")

20. 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

21. 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 2013 until 31st December 2015 unless a new scheme is made in the interim.

SPECIAL DEVELOPMENT CONTRIBUTIONS

22. 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 2013 - 2015 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.
23. **This Scheme is effective in respect of permissions granted from 1st January 2013.**

APPENDIX I

TABLE A: COSTS INCLUDED IN SCHEME

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

	Cost Included in Scheme	Contributions Allocated	% Contributions Allocated
Class 1: Roads infrastructure & facilities	€95.7m	€57.7m	30%
Class 2: Water & Drainage infrastructure and facilities	€153.5m	€96.0m	50%
Class 3: Parks and open space facilities and amenities	€10.0m	€7.7m	4%
Class 4: Community facilities and amenities	€38.8m	€21.1m	11%
Class 5: Urban regeneration facilities and amenities	€21.9m	€9.6m	5%
Total costs included in Scheme	€319.9m	€182.1m	100%

TABLE B – PROJECTED DEVELOPMENT

Units of projected residential development and projected industrial/commercial development (in the years to 2017):-

<u>Residential</u>	<u>Industrial/Commercial</u>
10,200 units	356,000 sqm

APPENDIX II – PROJECT LISTS

Roads

1. Macken Street Bridge
2. Backup Control Room
3. Ratoath Road
4. Richmond Road
5. River Road
6. Cycle Infrastructure
7. Cycle/Pedestrian Bridges
8. Structural Refurbishment
9. Traffic Systems Upgrades
10. Pedestrian Improvements
11. Footpath Refurbishment
12. T21 Traffic Management
13. Malahide Road
14. Blackhorse Ave
15. Environmental and Street Improvements

Water & Drainage

Public Water Supply Schemes

1. Ballymore Eustace
2. Water Supply Project -- Dublin Region
3. Dublin Region Watermains Rehabilitation Project
4. Mainlaying
5. Telemetry/GIS Upgrade
6. Covered Reservoir, Saggart
7. North City Arterial Water
8. Dargle Valley Watermain Construction Stage
9. Leixlip Water Treatment Plant Expansion
10. Leixlip Ballycoolin Pipeline

Public Sewerage Schemes

11. Spencer Dock Pumping Station
12. Spencer Dock Sewage Scheme
13. Liffey Tunnel Services Installation Contract
14. Ringsend Wastewater Treatment Works -- Interim Sludge
15. Programme Management Unit
16. Dublin Bay Refurb Main Lift
17. Ringsend Wastewater Treatment Works Extension
18. Eastern River Basin District Environmental Projects
19. Local Flood Relief Schemes
20. Drainage Improvement Works – Contracts
21. Pumping Station Refurbishment – General
22. Sewer Relining
23. Upgrading /Replacement of Drainage Infrastructure
24. Regional WwTP & Orbital Sewer
30. City Centre Sewers

Flood Relief & Other Works

31. Dublin Coastal Flooding Initiative
32. Flood ResilienCity Project
33. River Dodder Flood Alleviation Phase 1 Ringsend

34. Clontarf Flood Relief
35. River Dodder Flood Study
36. South Campshires Flood Defence
37. River Liffey Catchment Flood Risk Assessment
38. Dodder Flood Works Phases 3 to 5
39. River & Rain Gauging
40. S2S Phase 1 -- Stage 1
41. North Campshires Flood Defence
42. Integrated Constructed Wetlands

Parks

1. Fairview Park
2. Pelletstown Park Improvements
3. St. Anne's Park Management Plan
4. Le Fanu Park
5. Martin Savage Park, Ashtown - Sports Development
6. Mellowes Park - development of all weather pitch
7. Johnstown Park Pavillion & All Weather Pitch
8. Kylemore Park
9. Belcamp Park, Priorswood - development of walled garden
10. Playgrounds in city parks
11. Liberty Park Upgrade & refurbishment
12. Bull Island Interpretative Centre - extension & upgrade
13. Springvale Park, Raheny - development of new park along Santry River

Community

1. Clongriffin Sports & Leisure Centre
2. Rathmines Leisure Centre
3. Ballyfermot Leisure Centre
4. City Library
5. Cromcastle Library
6. Donaghmede Library
7. Arts Facilities / Studios/ Exhibition Spaces
8. Ellis Court Arts Studio
9. Security Upgrade Charlemont House and Perimeter
10. O'Deveney Gardens Community Regeneration
11. St Michael's Estate Community Regeneration
12. Dominic Street Community Regeneration
13. St Teresa's Gardens Community Regeneration

Urban Regeneration

Implementation of River Corridor Study

1. Improvement works to Liffey Quays

Civic Spine Regeneration

2. Thomas Street
3. Cork St
4. St Lukes Church upgrading

Retail Core Improvement Works:

5. Grafton St & Environs
6. South Great Georges St

7. Moore St & Environs

Dublin City Public Amenities

8. "City Bike, Wayfinding System, Heritage Trails"

Public Realm/Civic Space Upgrading Works

- 9. Smithfield Phase II
- 10. City Walls/Ship St
- 11. Kilmainham Urban Space
- 12. Lutyens Gateway
- 13. Digital Hub Area Enhancement
- 14. Ballyfermot Civic Centre Space

Local Area Plan implementation -

15. "Liberties LAP, Phibsborough LAP"

Village Improvement Works

- 16. Coolock Village
- 17. Santry Village
- 18. Rialto Village
- 19. Inchicore Environmental Improvements
- 20. Neagh Road, Terenure
- 21. Edenmore & Donaghmede