

COMHAIRLE CHONTAE ÀTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL



SOUTH DUBLIN COUNTY COUNCIL
DEVELOPMENT CONTRIBUTION SCHEME 2003
(Section 48 Planning and Development Act, 2000)

1. INTRODUCTION

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.
- 2(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.
- 3(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.

- 3(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.** 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 2003 ("the Scheme") is as follows:-
- (i)** the amount of the costs (inclusive of land acquisition) which are attributable, in the years to 2009 to the four classes of public infrastructure and facilities (listed in the table at 9 below). These costs are given in Table A which is annexed to this Scheme.
 - (ii)** The aggregated floor areas in square metres of projected development, in the years to 2009, in each of the classes or descriptions of development, namely, residential class and industrial/commercial class. These floor areas are given in Table B which is annexed to this Scheme.

- (iii) The contribution for new developments is calculated by dividing the total project costs for inclusion in the Scheme, by the projected development for the Council area. The contribution for residential development is expressed in units, while the contribution for non-residential development is expressed in an amount per square metre.

DEVELOPMENT CONTRIBUTION SCHEME

- 7. This South Dublin County Council Development Contribution Scheme 2003 ("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 below) in respect of the different classes of public infrastructure and facilities are as follows:-

Class of Public Infrastructural Development	€ per unit of Residential Development of 2 bedroom or more	€ per unit of Residential Development of 1 bedroom	€ per metre square of Industrial/ Commercial class of Development
	€	€	€
Class 1 Roads	4,980	2,490	37.35
Class 2 Water & Drainage	2,670	1,335	20.04
Class 3 Community	1,220	610	9.15
Class 4 Parks and Open Space	<u>1,130</u>	<u>565</u>	<u>8.46</u>
Total of Contribution Payable	€10,000	€5,000	€75.00

NOTE I: These rates of contribution shall be updated effective from January 1st each year during the life of the Scheme in accordance with the Tender Price Index. (See Article 12 of the Scheme below).

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.

10. EXEMPTIONS AND REDUCTIONS

The following categories of development will be exempted from the requirement to pay development contributions under the Scheme:

- House extensions
- Registered charitable institutions
- Replacement dwelling on previously fully serviced sites
- Primary schools, Voluntary non-profit making clubs and similar community facilities/centers, youth centers and similar non-commercial community related developments with a commercial element, to be exempt from assessment for financial contributions.
- Post primary school development shall be liable to pay development contributions at 50% of the standard rate (€37.50 per metre square) which applies to industrial/commercial development.
- Open storage/Hard surface commercial space development - shall be liable for development contribution at one third of the rate.
- Developments for which public piped sewerage services are unavailable will be exempted from half of the contribution amount attributable to the water and drainage class of public infrastructure and facilities
- The standard level of industrial/commercial development contributions will apply to proposed development of crèche/childcare facilities except in the case of the amount attributable to Roads infrastructural facilities, where the amount levied will be 50% of the standard rate i.e. €18.66 per metre square.
- 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 voluntary or co-operative housing body, which is recognised as such by the Council.
- Voluntary non-profit making clubs and similar community facilities/centres, youth centres and similar non-commercial community related developments with a commercial element, to be exempt from assessment for contributions.

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.
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.
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 PLEANĀLA ("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 cut-off year for the Scheme (unless a new Scheme is made before then) is 2009. A new Scheme will be made by then at the latest.

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 2003 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 Pleanāla.
17. **This Scheme is effective in respect of decisions granted from 1st January 2004.**

ANNEX TO DEVELOPMENT CONTRIBUTION SCHEME

TABLE A

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

	Cost Included in Scheme	Allocation of Costs
	€000	%
Roads	98,540	50%
Water & Drainage	52,791	27%
Parks	22,280	11%
Community	24,129	12%
Total	€197,740	100%

TABLE B

Units of projected residential development (averaged at 100 square metres) and projected industrial/commercial development (in the years to 2009):-

<u>Residential Units</u>	<u>Industrial/Commercial</u>
17,884	252,000sqm