



**South Dublin County Council  
Development Contribution Scheme 2016 - 2020**

**(Under Section 48, Planning & Development Acts, 2000-2011 (as amended))**

## INTRODUCTION

1. Sub-section (1) of section 48 of the Planning and Development Acts, 2000-2011 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 Acts, 2000-2011 and may require the giving of security to ensure payment of contributions.

## DEFINITIONS

5. (i) Section 48 of the Planning and Development Acts, 2000-2011 ("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 those 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 places, 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 South Dublin County 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 which is contained in the 2016-2020 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 the 2016-2020 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 the current market conditions

The result of this analysis is shown in Article 9 of the 2016 – 2020 Scheme.

## **DEVELOPMENT CONTRIBUTION SCHEME**

7. This South Dublin County Council Development Contribution Scheme 2016 - 2020 ("the Scheme") is made under Section 48 of the Planning and Development Acts, 2000-2011 ("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:-

## UPDATED RATES AS OF 1<sup>st</sup> JANUARY 2020

<b>Class of Public Infrastructural Development</b>	<b>€ per square metre of Residential Development</b>	<b>€ per square metre of Industrial/Commercial class of Development</b>
Class 1: Roads infrastructure & facilities	24.10	22.77
Class 2: Surface Water & Environment infrastructure & facilities	14.84	14.03
Class 3: Community facilities & amenities	26.60	25.15
Class 4: Parks and open spaces facilities & amenities	9.45	8.93
Class 5: Economic, Enterprise and Tourism Development including Libraries	21.40	20.23
<b>Total of Contributions Payable</b>	<b>96.39</b>	<b>91.11</b>

**Note 1:** These rates of contribution shall be effective from 1st January 2020 until 31<sup>st</sup> December 2020 for all permissions *granted* after January 1<sup>st</sup> 2020 to 31<sup>st</sup> December 2020 inclusive within the administrative area of South Dublin County Council, irrespective of when the planning application was submitted. Indexation in accordance with the Tender Price Index may be applied to be effective from 1<sup>st</sup> January 2020 for permissions granted after this date, having regard to the prevailing economic circumstances, subject to the approval of the Council.

**Note 2:** The floor area of proposed permitted development shall be calculated as the gross floor area. This means the gross floor area determined from the internal dimensions of the proposed buildings, including the gross floor area of each floor including mezzanine floors. This area is provided by the applicant on the statutorily prescribed planning application form which is however subject to technical verification by the Planning Authority.

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

### DEFINITIONS EXEMPTIONS AND REDUCTIONS

**10.** The following categories of development will be exempted from the requirement to pay development contributions or will pay a reduced rate, as stated, under the Scheme:

- (i) Development by charities for non-profitable development shall be exempt;
- (ii) The first 40sq metres of a permitted first extension (including garages, conversion of attic to habitable areas) to a residential or a non-residential development shall be exempted (subsequent extensions or extensions above 40 square metres to be charged at the applicable rate per square metre). These exemptions will not apply to development for which retention permission is sought.
- (iii) Social and Affordable housing units, which are purchased in accordance with an agreement made under Part V of the Act (as amended under the Planning & Development (Amendment) Act, 2002) shall be exempted.
- (iv) Local Authority Development, including Housing, built for, or on behalf of, the Local Authority.
- (v) There will be 50% reduction in non-residential rate for developments in Village Centre areas. To be considered for the reduced rate the proposed development must be in

an area zoned as a Village Centre in the Council's County Development Plan 2016-2022 and comply with the qualifying conditions specified by the local authority in the application process.

- (vi) Car parking assessed as being necessary to the proposed development, and generally in line with Development Plan standards, whether surface or non-surface, is exempt.
- (vii) Car parking assessed as being in excess of standard requirements to the proposed development, will be charged at a rate of 50% of the non-residential rate on a per space basis.
- (viii) Vehicle display area spaces (for the purposes of sale) to be charged at 10% of the non-residential rate on a per space basis.
- (ix) Open storage/Hard surface non-residential space development (uncovered storage space), including forecourt development, but not *car-parking or truck parking* – shall be liable for development contribution at 10% of the total non-residential rate. In the interests of clarity these areas relate to the specific area where the goods/vehicles are stored and not to turning areas, internal access routes within site etc.  
(in the event of buildings being subsequently developed on the same area, the credit to be given against the assessment of the new building will be the monetary amount previously paid).
- (x) All primary and secondary schools shall be exempt from the development contribution rate specified in this scheme, except in circumstances where as a result of the development, exceptional costs not covered by the South Dublin County Council Development Contribution Scheme 2016 - 2020 are incurred by the Council, resulting in the necessary provision of a specific public infrastructure or facility. (The particular works may be specified in the planning conditions when special development contributions are levied.)
- (xi) Not for profit childcare facilities shall be exempt.
- (xii) Development consisting of drug treatment and rehabilitation services and drug education/prevention services for which permission was applied for by and is to be operated by not for profit community-based providers shall be exempt.
- (xiii) Development consisting of sheltered or supported accommodation for homeless persons, sheltered housing schemes for vulnerable groups such as the elderly, disabled and persons with mental health issues provided by voluntary or not-for-profit non-statutory groups that are recognised by the Council as such, shall be exempt.
- (xiv) Agricultural buildings used for agricultural purposes by persons primarily engaged in farming to be exempt.
- (xv) 50% reduction in non-residential rate for buildings ancillary to Horticultural developments; i.e. developments associated with the processing, distribution, supply or sale of fruit, vegetables, food or any agri or market gardening products, carried out by persons other than those that are primarily engaged in farming.
- (xvi) Renewable energy development with a capacity up to 0.5MW will be exempt. Larger capacity development will be charged at €1,000 per each 0.1MW above an installed capacity of 0.5MW.
- (xvii) Not for profit development carried out by bodies exempted from the requirement to pay a planning application fee, in accordance with Article 157 of the Planning and Development Regulations 2000 (as amended) shall be exempt. The exemption is

stated below; *Development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—*

- i. is designed or intended to be used for social recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,*
- ii. is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain.*

- (xviii) The non-built elements of recreational facilities (e.g. Playing pitches, golf courses) shall be exempt;
- (xix) Development in receipt of a disabled persons grant shall be exempt;
- (xx) Signage / Shop Fronts, Entrance Gates / Railings / Fencing, Elevational Alterations, Internal layout change – Where no additional floor area is created; shall be exempt;
- (xxi) Power Lines, Antennae Structures, Sewer / Drainage / Road Construction / Provision of infrastructural facilities shall be exempt;
- (xxii) Bus Shelters shall be exempt;
- (xxiii) Substations / Switch Rooms shall be exempt.
- (xxiv) Ancillary plant rooms (where plant is not core activity/operation) shall be exempt.
- (xxv) Development involving permitted works to protected structures, including extension of floor areas or changes of use\* shall be subject to a 30% reduction on the applicable rate of contribution.  
\*Subject to sub section (xxvi) below.
- (xxvi) Revisions/Modification to a permitted development: An application for permission for modification/revision to a permitted development, including a change of house type or amendment to a site layout will, where material, be treated as an independent/separate permission for development, and will be assessed on the full proposal for the floor area permitted in such a permission, at the rate of development contributions in operation on the date of issue of the decision to grant permission. The contribution payable at commencement will be based on the permission implemented i.e. the original permission or the revised proposal (updated in accordance with the relevant index).
- (xxvii) Change of use: In respect of a permission for change of use, where development contributions 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. Where a contribution was not previously paid or the original development was carried out before 1963 it shall be treated in its entirety as new development and assessed accordingly.  
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 exemption
- (xxviii) Demolition and Rebuild: 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 calculated as follows;
- iii. where a contribution has been paid – the contribution will be levied on the increased floor area of the new build over the old
  - iv. if no contribution was previously paid - the contribution will be levied on the new development in full

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 exemption.

- (xxix) Developments permitted by way of a single permission of a temporary duration or cumulative temporary permissions of not greater than 5 years in total, shall be exempt. Subsequent permissions which cause the total duration to exceed 5 years will be assessable for the purposes of applying development contributions.
- (xxx) For clarification purposes, the following development will not be exempt from the requirement to pay development contributions:
- Fee paying Schools
  - Private medical facilities including private hospitals, medical facilities, primary care centres and similar developments including any ancillary buildings

## **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 2016.
12. The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed by the Council. Contributions due with regard to permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, subject to the provisions of Note I to the table at Article 9 above.
13. The Council may facilitate the payment of contributions payable under the Scheme by Instalments and the Council may require the giving of security to ensure payment of contributions.
14. 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. The Council, furthermore, may initiate enforcement action under the Planning and Development Acts 2000-2011(as amended) in respect of unpaid development contributions.
15. Where applicable, connections to drainage (surface water) services may 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.
16. Where a letter/ certificate of compliance with the development contribution condition is required, reference will be made to the payment of contributions as applicable to the development in question. If contributions have not been paid or if an agreed schedule of payments has been made but has not been honoured, a report on compliance will refer to these facts. In the case of applicable residential developments the compliance report will also refer to compliance with condition(s) requiring the lodgment of security for the completion of services in the related development.

## **APPEAL TO AN BORD PLEANÁLA ("the Board")**

17. 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**

- 18.** 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. This scheme is effective from 1<sup>st</sup> January 2016 until 31<sup>st</sup> December 2020, Unless a new scheme is made in the interim.

## **SPECIAL DEVELOPMENT CONTRIBUTIONS**

- 19.** 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 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.

- 20. This Scheme is effective in respect of permissions granted from 1<sup>st</sup> January 2016.**

## APPENDIX I

**TABLE A - COSTS INCLUDED IN 2016-2020 SCHEME:**

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

	<b>Total Projected Costs €m</b>	<b>Net Contributions Required €m</b>	<b>Contributions Allocated €m</b>	<b>% Contributions Allocated</b>	<b>Funding Gap €m</b>
<b>Class 1:</b> Roads infrastructure & facilities	69.45	38.6	15.31	25.0%	23.29
<b>Class 2:</b> Surface Water & Environment infrastructure and facilities	12.43	10.5	9.44	15.4%	1.06
<b>Class 3:</b> Community facilities and amenities	60.6	37.1	16.90	27.6%	20.2
<b>Class 4:</b> Parks and open space facilities and amenities	14.49	9.0	6.0	9.8%	3.0
<b>Class 5:</b> Economic Enterprise & Tourism Development including Libraries	22.09	15.2	13.6	22.2%	1.6
<b>Total</b>	<b>179.06</b>	<b>110.4</b>	<b>61.25</b>	<b>100%</b>	<b>49.15</b>

**TABLE B – PROJECTED DEVELOPMENT 2016-2020 SCHEME.**

Units of projected residential development (averaged at 100 square metres) and projected industrial/commercial development (in the years to 2020):-

<u>Residential</u>	<u>Industrial/Commercial</u>
5000 units	250,000 sq. m

