



# Fingal County Council

Comhairle Contae Fhine Gall



## PLANNING AND DEVELOPMENT ACTS 2000 - 2006

### SUPPLEMENTARY DEVELOPMENT CONTRIBUTION SCHEME FOR RE-OPENING OF THE NAVAN TO DUBLIN RAILWAY LINE – PHASE 1 - CLONSILLA TO DUNBOYNE (PACE)

#### FINGAL COUNTY COUNCIL

- A. In exercise of its powers under section 49 of the Planning Development Act 2000 (the **Planning Act**)
- B. Having published on [date] notice of this scheme as required under section 48(4) of Planning Act
- C. Having sent a copy of the draft Scheme to the Minister for the Environment, Heritage and Local Government as required by section 48(5) of the Planning Act
- D. Having received and considered the Manager's report under section 48(6) of the Planning Act

by resolution MAKES this supplementary development contribution scheme in respect of that part of the Scheme lying within the administrative boundary of Fingal County Council.

- 1. This is a supplementary development contribution scheme under Section 49 of the Planning Act.
- 2. The Scheme applies to the area identified on the map attached (Drawing Number CSND 1) to and made a part of this scheme (the **Scheme Area**). The Scheme Area covers 1947 hectares and includes a catchment area approximately 1 kilometre on either side of the proposed rail line. The extent of the area represents reasonable walking distance to stations along the proposed line. Within this area 197 hectares is undeveloped and zoned for development. It is envisaged that some of the remaining area which is not currently zoned but which has development potential will be brought forward for development within the lifetime of the scheme.
- 3. The Scheme is for the development of a railway from Clonsilla, County Dublin to Dunboyne (Pace) in County Meath, including acquisition of property, provision of stations, car parks, other ancillary development, rolling stock and diversion of utilities (the **Project**). Stations are proposed at Clonsilla (upgrade of existing station), Hansfield, Dunboyne and Pace.

The development of Phase 1 of the Navan Rail Link is in accordance with the policies and objectives set out in the County Development Plan and is included in the transportation programme of the Government - Transport 21 - where it is programmed for completion by 2009.

4. The Project is to be carried out by the Iarnród Éireann, under agreements with Fingal County Council and Meath County Council.
5. The estimated capital cost of the Project is €156 million (inclusive of VAT)
6. The Project will benefit development in the Scheme Area. The Project will improve the attractiveness and marketability of the Scheme Area for residential and commercial developments and will add significantly to the value of the land in the Scheme Area. The benefit to existing development in the area (23% of the land area) is discounted in accordance with Section 48.3 (b) of the Planning Act.
7. The amount of the contribution to be paid under this scheme (January 2006 prices) is as follows: -  
Residential - €144,700 per gross hectare  
Commercial - €329,900 per gross hectare  
The amounts in this paragraph will increase on 1 January each year at the compound interest rate of 5% per year. The contributions must be paid at the rate in effect at the time of payment.  
For development that is mixed-use in nature the residential and commercial contributions shall be calculated in the following way: -  
The gross floor area of the proposed mixed-use development site devoted to residential and commercial land uses shall be calculated and a percentage split of residential to commercial development derived. This pro-rata split shall be applied to the site area of the mixed-use site and the levy charged accordingly  
  
The amounts in this paragraph have been determined having regard to the estimated cost of the Project, which is set out in paragraph 6 above, discounted in respect of benefit to existing development.  
  
The supplementary development contribution rates are considered reasonable given the quality of the proposed rail service and the benefits which the reopening of the rail line will bring to the area. The re-opening of the line will improve the attractiveness and marketability of the area for both residential and commercial developments and will result in significant added value to property and land.
8. It will be a condition of all planning permissions granted for development in the Scheme Area, (subject to paragraph 10 below), while this scheme is in effect, that the developer pay to Fingal County Council the contribution required under this scheme.
9. Contributions under this scheme must be paid on commencement of the development, or on a phased basis agreed with Fingal County Council. If payment is phased the outstanding balance will increase at the rate in paragraph 7 above. If payment is not made when due, interest will accrue on the unpaid balance at the rate specified in the European Communities (Late Payment in Commercial Transactions) Regulations 2002, or any law that replaces them.
10. The following developments are exempt from contributions under this scheme:
  - domestic extensions
  - family flats that as a condition must be used as a family unit
  - public buildings such as schools and youth / community centres
  - developments by organisations having exemption from income tax and corporation tax under section 20 of the Taxes Consolidation Act 1997 and currently holding an exemption certificate from the Revenue Commissioners
  - large scale outdoor recreational developments such as golf courses, sports pitches and tennis complexes, but excluding buildings and ancillary facilities

11. Fingal County Council will receive the contributions to be made under this scheme, and pay them to Iarnród Éireann in accordance with the agreement referred to in paragraph 4 above. Pending completion of that agreement, Fingal County Council will retain the contributions collected and place them on investment with an investment company selected with the objective of maximising return and minimising risk. These contributions and interest will be paid to Iarnród Éireann when the agreement is concluded. The agreement with the Iarnród Éireann will provide that the money received by Fingal County Council under this scheme can only be used for the Project.
12. If Fingal County Council enters a contract for a development to be carried out on behalf of, or jointly or in partnership with Fingal County Council, and as a result the development is an exempted development under section 4(1)(f) of the Planning Act, the contract must require the developer to make the same contributions as would be required under this scheme if the development had planning permission.
13. This scheme will apply from the date it is made until the 30<sup>th</sup> anniversary of that date. The Scheme may be reviewed from time to time by the planning authority having regard to circumstances prevailing at that time. The Scheme may be amended by resolution of the Council so as to reduce the contributions to the Project where the cost of carrying out the Project is less than the estimated amount when the Scheme was made.
14. If the construction of the Project does not proceed, the contributions received under this scheme will be returned to those who paid them. The agreement with Iarnród Éireann will have provision for repayment in this event.

This scheme can be referred to as the Fingal County Council Supplementary Development Contribution Scheme for the Re-opening of the Navan to Dublin Railway Line – Phase 1 – Clonsilla to Dunboyne (Pace).

Made at County Hall, Swords  
Date 10<sup>th</sup> July 2006