



Fingal County Council

Development Contribution Scheme

2016 -2020 (under Section 48, Planning and

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 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 costs 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,
 - (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 Fingal 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 three 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 annexed to 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

The result of this analysis is shown in Article 9 of this Scheme below.

DEVELOPMENT CONTRIBUTION SCHEME

7. This Fingal County Council Development Contribution Scheme 2016 – 2020 (“the Scheme”) is made under Section 48 of the Planning and Development Act 2000, as amended.
8. Under the Scheme, Fingal 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 Fingal and that is provided, or that it is intended will be provided, by or on behalf of Fingal County Council (regardless of other sources of funding for the infrastructure and facilities).

LEVEL OF CONTRIBUTION

9.
 - (a) 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	€53.30	€41.62
Class 2: Surface Water (incl. Flood Relief Infrastructure)	€5.33	€4.16
Class 3: Community & Parks facilities & amenities	<u>€17.51</u>	<u>€13.68</u>
Total of Contributions Payable	€76.14	€59.46

Note 1: These rates of contributions shall be effective from 1st January 2016 to 31st December 2020. Indexation in accordance with the Chartered Surveyors of Ireland Construction Tender Price Index will apply annually on 1st January. Having regard to economic or other circumstances and, subject to the approval of the Council, it may be considered appropriate not to apply this indexation for any year(s).

Note 2: The floor area of proposed development where buildings are involved 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.

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

(b) The Fingal 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. This contribution in lieu of open space will be levied at the following rates;

1. Class I Open Space - €100,000 per acre to purchase land based on the value of amenity land, plus €100,000 per acre for development costs.
2. Class II Open Space - €250,000 per acre to purchase land in residential areas, plus €100,000 per acre for development costs.

These rates may be reviewed by the Council from time to time having regard to market conditions. The contributions collected will be used for the provision of open spaces, recreational and community facilities and amenities and landscaping works – see Appendix 2.

EXEMPTIONS AND REDUCTIONS

10. (i) The following categories of development will be exempted from the requirement to pay development contributions under the Scheme;
 - (a) The first 40 sq metres of domestic extensions. This exemption is cumulative and limited to 40 m² in total per dwelling. Domestic extensions for accommodation of disabled person(s) are exempted in full in cases where a Disabled Persons Grant is approved.
 - (b) Attic conversions.
 - (c) Developments by organisations including registered charities having exemption from income tax and corporation tax under Section 207 of the Taxes Consolidation Act 1997 and currently holding an exemption certificate from the Revenue Commissioners. The development must be exclusively for the primary purpose of the organisation.
 - (d) The non-built element of large scale outdoor recreational developments such as golf courses, sports pitches and tennis complexes.
 - (e) Non – commercial community related developments by voluntary non-profit making groups, clubs or organizations.

- (f) Social housing units, including those which are provided in accordance with an agreement made under Part V of the Act, as amended, or which are provided by or on behalf of a voluntary or co-operative housing body, which is recognised as such by the Council.
- (g) Broadband Infrastructure (masts & antennae).
- (h) 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.
- (i) Agricultural Buildings, glasshouses and poly tunnels are exempt. Buildings associated with the processing, distribution, supply or sale of fruit, vegetables, food or any agri or market gardening products are subject to a 50% reduction in the commercial rate.
- (j) Ancillary, surface and underground car parking is exempt. (i.e. Councils Development Plan standards). Stand-alone commercial car parks are subject to a 50% reduction in the commercial rate.
- (k) Non fee paying schools.
- (l) Signage, shop fronts, entrance gates, railings, fencing, antennae structures, bus shelters, switch rooms, substations, power lines etc.
- (m) Appropriate reductions in respect of demolition work will be allowed excluding structures exempt from contributions. Demolition must be necessary to facilitate the proposed development.
- (n) Internal layout alterations where no additional floor area is created and external walls are not being removed.
- (o) Garages and garden sheds. If approval is subsequently granted to convert exempt structures to habitable accommodation then the appropriate levy is applicable.
- (p) Renovations to restore/refurbish structures deemed to be "Protected Structures" in the County Development Plan, where the Council is satisfied that the works substantially contribute to the conservation or restoration of the structure, are exempt. Extensions to Protected Structures for private residential purposes are also exempt (provided extension is subservient in scale). Extensions to Protected Structures for commercial purposes are subject to a

reduction of 50% in the appropriate rate. These exemptions do not generally extend to development on the site detached from the protected structure. However, development within the curtilage of a Protected Structure may be considered for up to a 50% reduction in the rate for that part of the development which is considered by the Council to be necessary to ensure the protection, conservation or restoration of the structure.

(q) Temporary Planning Permissions

- Exempt up to 5 years duration
- 50% reduction for 5 – 10 years duration.
- Full rate when permission or combination of permissions exceed 10 years (less any previous payments under the 5-10 year reduction).

(r) Change of use applications are exempt unless the revised usage constitutes a substantial intensification of use of the building or services.

10 (ii) For clarification purposes;

- (a) Exemptions and reductions shall not apply to permissions for retention of development
- (b) Exemptions and reductions shall not apply to Special Development Contributions under Section 48.2 (c).
- (c) Private medical centres, primary care centres, consultant rooms and similar developments, including ancillary buildings, are not exempt.

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 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 Note 1 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.

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. 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.

APPEAL TO AN BORD PLEANÁLA (“the Board”)

15. 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 THE SCHEME

16. 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 1 January 2016 until 31 December 2020, unless a New Scheme is made in the interim. The duration of the Scheme may be extended beyond 2020 if considered appropriate subject to the approval of the elected members.

SPECIAL DEVELOPMENT CONTRIBUTIONS

17. A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by the Fingal County 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.

EFFECTIVE DATE

18. This Scheme is effective in respect of permissions granted from 1st January 2016.

APPENDIX I

TABLE A – COSTS INCLUDED IN SCHEME

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

	Capital Costs included in Scheme €m	Contributions Allocated €m	% Contributions Allocated
Class 1: Roads infrastructure & facilities	€250.42m	€74.20m	70%
Class 2: Surface Water infrastructure and facilities, incl Flood Relief	€23.29m	€7.42m	7%
Class 3: Community & Parks facilities and amenities	<u>€43.57m</u>	<u>€24.38m</u>	<u>23%</u>
Total costs included in Scheme	€317.28m	€106m	100%

TABLE B – PROJECTED DEVELOPMENT

Units of projected residential development and projected industrial/commercial development (in the years 2016 - 2020):-

<u>Residential</u>	<u>Industrial/Commercial</u>
11,000 units - 1,108,000 m ² (incl. 8,000 m ² extensions)	363,700 m ²

APPENDIX II – PROJECT LISTS

Transportation

1. Balbriggan RR Ph 3 L1360-1 to Skerries Road R127 bridge
2. Balbriggan RR Ph 6 Naul Road R122 – Flemington Lane L1135, Naul Road Upgrade (C Ring to M1) and C Ring to Hamlet Lane Link
3. Donabate Relief Road/Hearse Road Donabate to R132
4. Malahide Road Realignment, N32 Upgrade, E-W Distributor Road, Kinsealy/Baskin Lane Improvement Scheme
5. Station Road Improvements
6. Ongar to Barnhill Link
7. Balbriggan RR Stephenstown L1360-4 to Naul Road R122
8. Rathbeale Road Upgrade
9. Balheary Junction
10. Swords Western Distributor Road
11. Malahide Swords Road Upgrade R106
12. Sutton Cross Improvements
13. North Parallel Road
14. Fosterstown Link Road
15. Sillogue Bridge Link
16. Cappagh Road – North Road Link
17. Cappagh Road – South Road Link
18. Hole in the Wall Road
19. Castle Mills Access Road
20. Kilshane Cross
21. Additional infrastructure, Swords environs
22. Broadmeadow Way Trail
23. Rush Traffic Management Scheme
24. Swords Traffic Management Scheme
25. Howth Traffic Management Scheme
26. Skerries Traffic Management Scheme
27. Sutton to Swords Cycleway
28. Royal Canal Cycleway (Phase 2)
29. Blanchardstown to Phoenix Park Cycle Way

Community & Parks

1. Bremore Regional Park Balbriggan
2. Ardgillan Regional Park
3. Skerries Town Park
4. Newbridge Demesne
5. Balleally Park/Former Landfill
6. Corballis Public Golf Course
7. Ward River Valley Regional Park
8. Swords Regional Park
9. Santry Demesne
10. Malahide Demesne
11. Robswall Park
12. Racecourse Park Baldoyle
13. Howth SAAO/Biosphere
14. Dunsink Park/ Former Landfill
15. Tolka Valley Regional Park
16. Tyrrelstown Regional Park
17. Millennium Park Blanchardstown
18. Beech Park/Shackletons Gardens
19. St. Catherine's/Lucan Demesne
20. Anna Liffey Mills
21. Biodiversity Action Plan Works
22. Recreational Hubs/All Weather Pitches
23. Playgrounds/MuGA's General
24. Pitch Drainage/Improvements
25. Coastal Walkways
26. Neighbourhood Park Improvements
27. Charlestown Community Centre
28. Brackenstown Community Centre
29. Swords Civic Centre
30. Howth Library and Community Centre
31. Skerries Library
32. Mobile library vans x 2

Surface Water (incl Flood Relief)

1. Balbriggan SW
2. Ballyboughal SW
3. Donabate SW
4. Garristown SW
5. Lusk SW
6. Malahide SW
7. Naul SW
8. Oldtown SW
9. Skerries SW
10. Balgriffin Flood Relief
11. Howth Flood Relief
12. Malahide Flood Relief
13. Portmarnock Flood Relief
14. Rush Flood Relief
15. Skerries Flood Relief
16. Sutton Flood Relief