

DUBLIN CITY COUNCIL

SUPPLEMENTARY DEVELOPMENT CONTRIBUTION SCHEME

LUAS RED LINE DOCKLANDS EXTENSION (LUAS C1)

1. Definition of Project

The Luas Red Line Docklands Extension (Luas Docklands) is set out in the Government's capital framework for transport for the period 2006 to 2015 and was completed in 2009.

Luas Docklands is a 1.5km extension of the Luas Red Line from Busáras to The Point, serving the IFSC and the area east of the Royal Canal concluding at The Point. Luas Docklands serves 4 new Luas Stops located at:

- George's Dock
- Mayor Square
- Spencer Dock
- The Point

Luas Docklands is a significant step in the creation of an integrated public transport system for Dublin, providing an effective link to the Docklands Area and integrating the new urban quarter with the remainder of the city.

2. Policy Framework

The provision of quality public transport is central to Government policy on sustainable development as expressed in the Government document 'Sustainable Development - a Strategy for Ireland' and in the National Transportation Authority's Strategy - 'A Platform for Change'.

It is the policy of Dublin City Council as set out in successive Dublin City Development Plans and the current City Development Plan 2011-2017 to support the sustainability principles set out in the National Spatial Strategy, A Platform for Change and the Regional Planning Guidelines for the Greater Dublin Area. Specifically the provision of Luas is supported by the following policies;

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| Policy SI1 | To support the sustainability principles set out in the National Spatial Strategy, the Regional Planning Guidelines for the Greater Dublin Area, the government's 'Smarter Travel, A Sustainable Transport Future 2009-2020' and the National Transportation Authority's 'A Platform for Change' and to ensure that land-use and zoning are fully integrated with the provision and development of a comprehensive, sustainable and efficient, high quality transportation network that accommodates the movement needs of Dublin city and the region |
| Policy SI3 | To support and facilitate the development of an integrated public transport network with efficient interchange between transport modes, to serve the existing and future needs of the city in association with relevant transport providers, agencies and stakeholders |
| Policy SI4 | To promote and facilitate the provision of Metro North, DART Underground, the electrification of the Maynooth line, the expansion of Luas and the Quality Bus Network in order to achieve the strategic transport objectives of the National Transportation Authority's 'A Platform for Change' and support the implementation of the Transport 21 Programme for Dublin city and region |

The delivery and ongoing successful operation of Luas Docklands is as an essential component in securing a consolidated and sustainable city. The Supplementary Development Contribution Scheme will assist in the funding of this key piece of infrastructure, thus contributing significant additionality to the revitalisation and redevelopment of the city.

3. Legal Basis

The legal basis for a supplementary development contribution scheme is set out in Section 49 of the Planning and Development Act 2000, as amended. This allows a planning authority to attach a condition to a planning permission for development that will benefit from a specified public infrastructure service or project, requiring payment of a financial contribution in respect of it in line with a supplementary development contribution scheme made by the authority. A public infrastructure service or project is defined in Section 49 (7) to include the “*provision of particular rail, light rail or other public transport infrastructure, including car parks and other ancillary development.*”

The public infrastructure project or service can be provided by another person, pursuant to an agreement with the Local Authority.

The supplementary development contribution scheme must specify the particular public infrastructure service or project and the area within the functional area of the authority to which it relates and must set out the basis on which the contributions have been determined.

The legislation allows for different rates of contribution to be applied to different classes or descriptions of development. It also allows for exemptions for specified classes of development.

Provision is made in the legislation for public consultation in relation to a proposed Section 49 scheme.

4. Agreement of Railway Procurement Agency

The detailed implementation of a Section 49 scheme is subject to an agreement between the Planning Authority and the provider of the public infrastructure service or project, in this case the Railway Procurement Agency.

5. Project Programme

Luas Docklands became operational in December 2009, following a construction period of 2 years.

6. Extent of Scheme

A band of approximately 800m either side of the Luas line is taken as the transportation corridor within which benefit will accrue to development. A line has been drawn defining the corridor that rationalises the 800m distance to nearby features such as roads and other boundaries.

The catchment area is considered to represent a reasonable walking distance to stations along the proposed line.

The project benefits the scheme area, enables its development in a sustainable manner with higher densities in accordance with the City Development Plan and the Residential Density Guidelines. The project improves the attractiveness and marketability of the scheme area for residential, commercial and retail development.

The area of the scheme is identified on the accompanying Scheme Map.

Development commenced within the area has been subject to a development levy applied by the Dublin Docklands Development Authority to Section 25 Certificates granted by the DDDA since 2003.

7. Discounting of Benefit to Existing Development

The total area of land within the catchment area zoned for development is 404 hectares. Land with potential for development or re-development within the corridor amounts to approximately 98 hectares. The balance of 306 hectares is considered to be primarily existing development. Under a Section 49 Scheme benefit that accrues to existing development must not be included in the determination of the contributions. The Planning Authority, in making this scheme, has had regard to

the benefit estimated to accrue to property likely to be developed or redeveloped in the Scheme Area and not to existing development.

8. Cost of Project

The projected capital cost is c. €87.1m, including detailed design, acquisition of property, diversion of utilities, provision of track and stops, car parks, other ancillary development and rolling stock.

9. Quality of Service

At present the Luas Docklands serves 8,000 passengers per day on the 6 minute journey from Busáras to The Point and operates every 5-10 minutes at peak times Monday to Friday and every 10-20 minutes during off peak and weekend hours.

10. Rate of Levy

In determining appropriate rates of levy for the Scheme, consideration was given to the quality of service being provided by Luas Docklands, to the objective of avoiding the diversion of development from the area due to excessive rates of levy and to the estimated benefit to different classes of development.

A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development. Three different classes of development have been identified requiring the payment of contributions, namely Residential, Commercial and Retail. The rates of levy to be applied to each class of development reflect the relative benefits which accrue to that class.

In the Dublin city area where densities for residential and commercial development are likely to be high and in many cases sites for development will be small, it is considered that, given the inherent attractiveness of the city centre for investment, it is appropriate to formalize the contribution in terms a rate per unit of residential development, and in the case of retail and commercial development, in terms of rates per square metre.

Accordingly the following rates of supplementary development contributions are proposed for the specified land uses;

Residential:	€2,000 per unit
Commercial:	€38 per square metre
Retail:	€43 per square metre

This rate is subject to review at the end of Year 2 and at two-yearly intervals thereafter. If no revision occurs, then the existing rates shall continue.

The contributions must be paid prior to commencement of development or on a phased basis agreed with Dublin City Council, at the rate in effect at the time of commencement. 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.

11. Exemptions

- a. Domestic extensions;
- b. Development in receipt of a disabled persons' grant;
- c. 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;
- d. Non-fee paying primary schools and secondary schools;
- e. Not-for-profit, community-run childcare facilities;

- f. Development to be used for social, recreational or religious purposes and not to be used for profit or gain;
- g. 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;
- h. The non-built elements of recreational facilities (eg. Playing pitches, golf courses);
- i. Works to, and change of use from residential use to retail or 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;
- j. Ancillary surface car parking;
- k. Residential ancillary non-surface car parking;
- l. 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)
- m. 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
 - Change of use from residential development to retail or commercial and vice versa, except in the case of Protected Structures above

12. Reductions

The following categories of development will be liable for a reduced rate of development contributions under the Scheme:

- a. Where development contributions under a Section 49 Scheme or the Dublin Docklands Development Authority Luas Levy were paid in respect of the former development, 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.
- b. 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.
- c. Open storage/hard surface commercial space development, other than car parking, shall be liable for development contributions at one third of the commercial rate
- d. Ancillary non-surface, non-residential car parking will be calculated at 50% of the applicable rate of contribution
- e. 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 thin 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.

13. Retention Permissions

Exemptions and Reductions shall not apply to permissions for retention of development.

14. Economic Impact of Levy

The rates of levy have been determined following an economic analysis which concluded that only a relatively modest proportion of the enhanced value created by the presence of Luas Docklands would be levied under the scheme. These rates have also been set at a level that will not divert development from the Scheme Area to other areas with comparable quality public transport.

15. Product of Levy

It is considered that the application of the proposed rates of levy to land in the corridor currently zoned for development would yield of the order of €34.3 million.

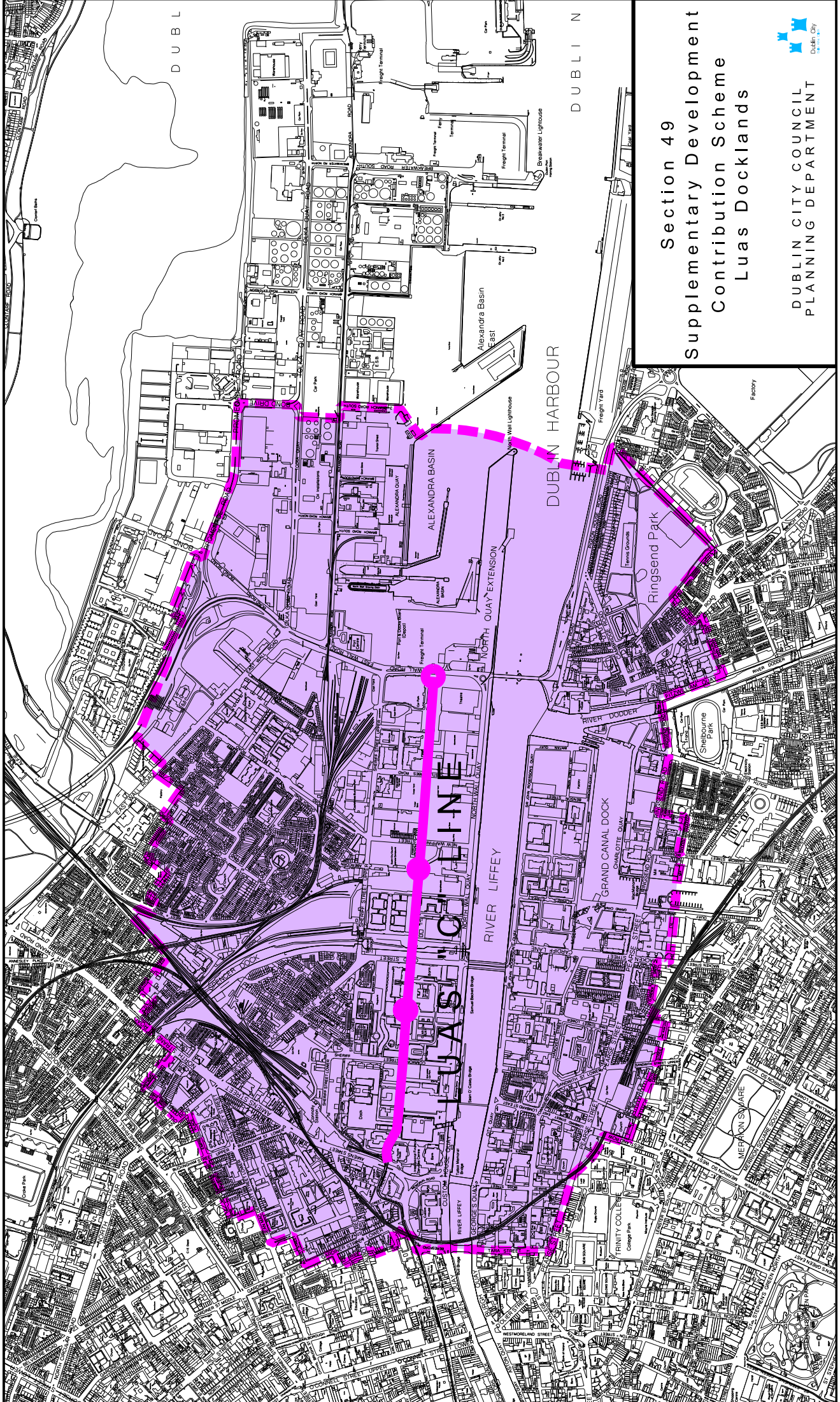
16. Administration of Levy

The scheme will apply from the date it is made until the 25th anniversary of that date. The scheme may be reviewed periodically by the planning authority having regard to circumstances prevailing at that time.

Dublin City Council will receive the contributions to be made under this scheme and pay them to the Railway Procurement Agency in accordance with an agreement to be made with it. Pending completion of that agreement Dublin City 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 the Railway Procurement Agency when the agreement is concluded. The agreement with the Railway Procurement Agency will provide that the contributions received by Dublin City Council under this scheme shall only be used for the project.

17. Areas of Overlap with other Section 49 Supplementary Development Contribution Schemes

Where the area of this Scheme overlaps with another Section 49 Supplementary Development Contributions Scheme in respect of a Luas or Metro railway, any development within such area of overlap shall only be charged a levy under the provisions of this Scheme.



Section 49
Supplementary Development
Contribution Scheme
Luas Docklands



DUBLIN CITY COUNCIL
PLANNING DEPARTMENT