

**Dublin City Council
Development Contribution Scheme 2020-2023**

(under Section 48, Planning & 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 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 Act 2000, as amended and may require the giving of security to ensure payment of contributions.

DEFINITIONS

5. 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, surface water sewers and flood relief work and ancillary infrastructure,

- (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, surface water sewers, flood relief work and ancillary infrastructure,
- (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)".

"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 Dublin City Council Development Contribution Scheme 2020-2023 ("the Scheme") is as follows;
- (a) The amount of the costs which are attributable, 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 of this Scheme
 - (b) The aggregated floor areas in square metres of projected development, in each of the classes or descriptions of development, namely, residential and industrial/commercial. 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;

And the following:

- (d) An examination of current market conditions

The result of the above analysis is shown in Article 9 of the Scheme.

DEVELOPMENT CONTRIBUTION SCHEME

7. This Dublin City Council Development Contribution Scheme 2020 - 2023 ("the Scheme") is made under Section 48 of the Planning and Development Act 2000, as amended ("the Act").
8. Under the Scheme, Dublin City 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 City and that is provided, or that it is intended will be provided, by or on behalf of Dublin City 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 no contribution or a reduced contribution applies) 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 Development
Class 1: Roads infrastructure & facilities	€27.85	€29.03
Class 2: Drainage (surface water/flooding) infrastructure & facilities	€4.60	€4.80
Class 3: Parks and open space facilities	€15.38	€16.03
Class 4: Community facilities & amenities	€20.23	€21.08
Class 5: Urban regeneration facilities & amenities	€24.04	€25.06
Total of Contributions Payable	€92.10	€96.00

Note 1: This Scheme is effective in respect of Planning Applications lodged with Dublin City Council from the 1st of April 2020, where a development contribution is applicable under this Scheme. This Scheme is also effective in respect of existing permissions granted before this date which have not yet commenced.

The above rates shall be fixed from 1st April 2020 to 31st December 2021. Consideration may be given to applying indexation to the rates of contribution effective from 1st January 2022 in consideration of the SCSJ Construction Tender Price Index.

Note 2: With the exception of ancillary non-residential surface car parking, the floor area of proposed development shall be calculated as the gross floor area. This means the area ascertained by the internal measurement of the floorspace on each floor of a building (including internal walls and partitions) and including mezzanine floors. In the case of multi-unit residential buildings, only the gross floor area of each residential unit will be included.

Note 3: New extensions to existing developments, including domestic extensions, will be charged at the above rates subject to circumstances where no contribution or a reduced contribution apply as per below.

CONTRIBUTION IN LIEU OF PUBLIC OPEN SPACE

10. The Dublin City Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the public open space requirement for a particular development. The Plan provides that in the event of the planning authority considering a site to be too small or inappropriate to fulfill Dublin City Development Plan requirements for public open space provision a financial contribution of €4,000 per unit towards provision of or improvements to a park and/or enhancement of amenities in the area in line with the City's Park Strategy shall be required.

CIRCUMSTANCES WHERE NO CONTRIBUTION OR A REDUCED CONTRIBUTION APPLY:

11. The following development will not be required to pay development contributions under the Scheme:

- Change of use from one commercial use to another. Any net additional floorspace will be charged at the commercial rate;
- The first 40sq metres of extensions to a residential development (subsequent extensions or extensions over and above 40 square metres will be charged at the residential rate per square metre);
- Development in receipt of a disabled persons' grant;
- Social & Affordable housing units, including;
 - those which are provided in accordance with an agreement made under Part V of the Planning and Development Act (as amended)
 - those which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council
 - those made available under the Council's Scheme of Priority for Affordable Dwelling Purchase Arrangements under Section 85 of the Housing (Miscellaneous Provisions) Act 2009 as amended and Housing (Miscellaneous Provisions) Act 2009 (Part 5) Regulations 2019 (S.I. No.81 of 2019);
- Non-fee paying primary schools and secondary schools;
- Not-for-profit, community-run childcare facilities;
- Development to be used for social, recreational or religious purposes and not to be used for profit or gain;
- 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;
- The non-built elements of recreational facilities (eg. Playing pitches, golf courses);
- Works to, and change of use from commercial to residential use to, 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;
- Ancillary uncovered surface car parking;
- Residential ancillary car parking;
- 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);
- Renewable Energy (RE) development with a capacity up to 0.5MW will be exempt. Larger capacity RE development will be charged at €1,000 per each 0.1MW above an installed capacity of 0.5MW.

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

- 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 charged on the net additional floorspace created;
- In the case of a change of use from residential use to commercial and vice versa, development contributions will be calculated at 50% of the applicable rate. Where development contributions under a Section 48 Scheme 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. 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;
- In the case of works to or change of use from residential to commercial use, of buildings included in the Record of Protected Structures development contributions will be calculated at 25% of the applicable rate. Protected Structure refers to the actual structure(s) and does not include development within its curtilage. Where development contributions under a Section 48 Scheme 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. 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;
- 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;
- Open storage/hard surface commercial space development, other than car parking, shall be liable for development contributions at one third of the commercial rate;
- Ancillary non-surface, non-residential car parking will be calculated at 50% of the applicable rate of contribution;
- Ancillary undercroft car parking will be calculated at 50% of the applicable rate of contribution;
- 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 within 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. No reductions in whole or in part shall apply to permissions for retention of development.

14. For clarification purposes, the following development will be required to pay development contributions;

- **Third level educational institutions and student accommodation**

- **Fee paying schools**
- **Hospitals, medical facilities, primary care centres and similar developments including any ancillary buildings**

PAYMENT OF CONTRIBUTION

15. 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 April 2020.
16. 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 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.
17. 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.
18. 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.
19. Where applicable, connections to drainage (surface water) services will 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.

APPEAL TO AN BORD PLEANÁLA ("the Board")

20. 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

21. 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 1st April 2020 until 31st March 2023 unless a new scheme is made in the interim.

SPECIAL DEVELOPMENT CONTRIBUTIONS

A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by the Dublin City Council Development Contribution Scheme 2020 - 2023 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.

APPENDIX I

TABLE A: COSTS INCLUDED IN SCHEME

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

	Eligible Costs	% Contributions Allocated	Contributions Allocated
Class 1: Roads infrastructure & facilities	€83.5m	30.24%	€42.8m
Class 2: Drainage (surface water) infrastructure & facilities	€40.4m	5.00%	€7.1m
Class 3: Parks & open space facilities & amenities	€32.8m	16.70%	€23.6m
Class 4: Community facilities & amenities	€47.4m	21.96%	€31.1m
Class 5: Urban regeneration facilities & amenities	€72.1m	26.10%	€36.9m
Total costs included in Scheme	€276.2m	100%	€141.5m

TABLE B – PROJECTED DEVELOPMENT

Units of projected residential development and projected industrial/commercial development:-

<u>Residential</u>	<u>Industrial/Commercial</u>
7,500 units* (650,000 sqm)	850,000 sqm

*excludes social housing

APPENDIX II – PROJECT LISTS

Class 1

Roads

- 1 DODDER BRIDGE GRAND CANAL DOCKS
- 2 BULBUTCHER LANE
- 3 BALLYMUN SILLOGUE INFRASTRUCTURE
- 4 BELMAYNE MAIN ST. & BELMAYNE AVE. SCHEME
- 5 ST MARGARETS LINK ROAD
- 6 REFURBISHMENT OF FOOTPATHS
- 7 REFURBISHMENT OF CARRIAGEWAYS
- 8 BLOODSTONEY BRIDGE
- 9 POINT PEDESTRIAN AND CYCLING BRIDGE
- 10 LED IMPROVEMENT SCHEME
- 11 OVERHEAD NETWORK UPGRADE
- 12 LIGHTING INFRASTRUCTURE UPGRDE PROJECT
- 13 TOM CLARKE BRIDGE UPGRADE
- 14 GRAFTON STREET QUARTER
- 15 DUKE STREET/ANNE STREET ANNE STREET
- 16 CLARENDON STREET
- 17 LIFFEY STREET IMPROVEMENTS
- 18 MARY'S STREET IMPROVEMENTS
- 19 CASTLE STREET NEW PEDESTRIAN CROSSING
- 20 CLARENDON ROW
- 21 SUFFOLK STREET

Class 2

Drainage(surface water) infrastructure and facilities

- 1 DUBLIN FLOOD EARLY WARNING SYSTEM
- 2 S2S PHASE ONE- SUTTON TO LIFFEY
- 3 S2S PHASE TWO - LIFFEY TO SANDYMOUNT
- 4 FLOODING EMERGENCY WORKS & FLOOD DEFENCE REPAIRS
- 5 CLONTARF FLOOD DEFENCE PROJECT
- 6 IMPLEMENTING FLOOD RESILIENT CITY OUTCOMES
- 7 LOWER RIVER DODDER FLOOD ALLEVIATION SCHEME PHASE 2 AND 3
- 8 CAMPSHIRE'S FLOOD PROTECTION PROJECT
- 9 RIVER WAD - CLANMOYLE ROAD FLOOD ALLEVIATION SCHEME
- 10 RIVER PADDLE FLOOD ALLEVIATION SCHEME
- 11 FLOOD ALLEVIATION FLEET
- 12 CULVERT IMPROVEMENT WORKS SCREEN UPGRADE WORKS
- 13 WATER FRAMEWORK DIRECTIVE (WFD) OFFICE
- 14 SURFACE WATER ASSET MANAGEMENT SYSTEM
- 15 GRAND CANAL BASIN
- 16 SANTRY RIVER FLOOD PROTECTION PHASE 2
- 17 SURFACE WATER NETWORK IMPROVEMENT WORKS
- 18 SUSTAINABLE DRAINAGE PROJECTS(Wetlands,Swales,Green Infrastructure)
- 19 SMALL STREAM IMPROVEMENT WORKS/RECOMMENDATIONS IN GSDS
- 20 FLOOD DEFENCE INSPECTION SCHEME
- 21 SOUTH CAMPSHIRE'S - SDZ PROJECT SIR JOHN ROGERSONS QUAY

Class 3 ***Parks & open space facilities & amenities***

- 1 ST ANNES PARK
- 2 PARKS PLAYGROUNDS
- 3 BULL ISLAND
- 4 MOUNTJOY SQUARE CONSERVATION PLAN
- 5 MERRION SQUARE CONSERVATION PLAN
- 6 COMMUNITY PARK IMPROVEMENT PROGRAMME
- 7 CONSERVATION WORKS
- 8 LIFFEY VALLEY/LIFE VALE
- 9 DEPOT IMPROVEMENT PROGRAMME
- 10 BUSHY PARK TEAROOMS
- 11 DUBLIN BAY DISCOVERY CENTRE - BULL ISLAND
- 12 PUBLIC SCULPTURE
- 13 MERRION SQUARE TEA ROOMS
- 14 FAIRVIEW PARK TEA ROOMS & COMMUNITY FACILITY
- 15 PEACE GARDEN
- 16 BLESSINGTON STREET BASIN TEAROOMS
- 17 ST. JAMES WALK LINEAR PARK
- 18 PEOPLES PARK BALLYFERMOT
- 19 HERBERT PARK CONSERVATION PLAN
- 20 JOHNSTOWN PARK DEPOT
- 21 EAMONN CEANNT DEPOT
- 22 PALMERSTOWN PARK
- 23 SANDYMOUNT
- 24 BLECAMP PARK DEPOT
- 25 STARDUST PARK UPGRADE
- 26 KILDONAN PARK
- 27 CHERRY ORCHARD PARK
- 28 ST. TERESA GARDENS
- 29 LE FANU PARK PAVILLION UPGRADE
- 30 SCG LIFFEY VALLEY/DONORE HARRIERS FLOODLIGHTS

Class 4 ***Community facility & amenities***

- 1 COMMUNITY RECREATION CENTRES PROGRAMME OF WORKS
- 2 NORTHSIDE SWIMMING POOL EXTENSION
- 3 BALLYFERMOT LEISURE CENTRE GYM EXTENSION
- 4 BALLYFERMOT LEISURE CENTRE ALL-WEATHER PITCH UPGRADE
- 5 IRISHTOWN STADIUM IMPROVEMENTS
- 6 ENERGY MANAGEMENT PROGRAMME
- 7 REPLACE GYM EQUIPMENT AT CLOGHER ROAD AND INCHICORE
- 8 REFURBISHMENT OF BALLYMUN SPORTS & FITNESS CENTRE
- 9 UPGRADE CHANGING AREA COOLOCK POOL
- 10 EXTENSION TO GLIN ROAD SPORTS HALL & BOXING CLUB
- 11 MUNICIPAL ROWING CENTRE EXTENSION
- 12 AUGHRIM STREET SPORTS HALL EXTENSION
- 13 CLONTARF 11 ASIDE ALL WEATHER PITCH CARPET
- 14 POPPINTREE PLAYGROUND/PITCH/CCTV
- 15 KILMORE RECREATION CENTRE
- 16 DARNDALE RECREATION CENTRE

17	EASTWALL RECREATION CENTRE & PLAYGROUD
18	ST.CATHERINES SPORTS & COMMUNITY CENTRE
19	GLOUSTER STREET COMMUNITY CENTRE
20	INCHICORE LIBRARY REFURBISHMENT
21	LIBRARIES PROGRAMME OF WORKS
22	FINGLAS LIBRARY RELOCATION
23	COOLOCK LIBRARY REFURBISHMENT
24	THE CONNECTED LIBRARY
25	HUGH LANE GALLERY REFURBISHMENT
26	MARINO LIBRARY ACCESS
27	TERENURE LIBRARY - REDEVELOPMENT
28	RINGSEND LIBRARY REDEVELOPMENT
29	Upgrade of Community Facilities
30	Community Facilities Plan
31	Cornamona Housing Development
32	Lower Dominic Street

Class 5 *Urban Regeneration facilities & amenities*

1	Library Square
2	Cambridge Road
3	Re-imagine D1
4	Ballyfermot Civic Investment Programme
5	Crumlin Village Environmental
6	Francis Street
7	Newmarket Square
8	Dolphins Barn Environmental Protection
9	Cork Street Environmental Improvement Scheme
10	Meath Street Public Realm
11	Vicar Street
12	Public Realm Projects < €100k
13	College Green Plaza
14	Suffolk Street
15	Grafton Street Plaza
16	Temple Bar Square
17	Docklands Georges Dock Facility
18	3 & 4 Henrietta Street
19	Docklands Public Realm
20	Dorset Street Fire Station
21	Markets Refurb Phase II A
22	Wayfinding scheme
23	St. Lukes
24	Markets Refurb Phase II A
25	41 Parnell Square
26	30 North Frederick Street
27	DEVELOPMENT OF DALYMOUNT PARK
28	LE FANU PARK SKATE/BMX AND PLAYPARK
29	WOLFE TONE PARK REFURBISHMENT
30	PUBLIC REALM - MINOR WORKS
31	GREEN INFRASTRUCTURE PILOT PROJECTS

32	BALLSBRIDGE CYCLE CAFÉ
33	NEIC GREENING PROJECTS (MISC)
34	STONEY BATTER GREENING PROJECTS
35	DODDER VALLEY CAR PARK AT MILLTOWN
36	DIAMOND PARK UPGRADE
37	CHRISTCHURCH GROUNDS PHASE II