



Comhairle Contae Fhine Gall

Fingal County Council



**Fingal County Council
Development Contribution Scheme 2010 – 2017**

(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 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 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 and may require the giving of security to ensure payment of contributions.

DEFINITIONS

5. (i) Section 48 of the Planning and Development Act, 2000 ("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, drains and watermains,
 - (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, drains or watermains, and
 - (f) any matters ancillary to paragraphs (a) to (e)".
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 2010 – 2017 (“the Scheme”) is as follows:-
- (a) The amount of the costs which are attributable, in the years to 2017 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 2017, 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 2010 – 2017 (“the Scheme”) is made under Section 48 of the Planning and Development Act, 2000 (“the Act”).
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	€69.84	€54.21
Class 2: Water & Drainage infrastructure & facilities	€49.91	€38.74
Class 3: Community & Parks facilities & amenities	<u>€23.25</u>	<u>€18.05</u>
Total of Contributions Payable	€143.00	€111.00

Note 1: These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the Wholesale Price Index (Building and Construction Materials) (See Article 12 of the Scheme below). The above rates are effective from 1 January 2010.

Note 2: The floor area of proposed 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.

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

(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 1 Open Space - €200,000 per acre to purchase land based on the value of amenity land, plus €100,000 per acre for development costs.
2. Class 11 Open Space - €1,250,000 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. 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 (one per dwelling). Domestic extensions for accommodation of disabled person(s) are exempted in full in cases where a Disabled Persons Grant is approved.
 - (b) Developments by registered charities and other 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.
 - (c) Large scale outdoor recreational developments such as golf courses, sports pitches and tennis complexes but excluding buildings and ancillary facilities.
 - (d) Non – Commercial community related developments by voluntary non profit making groups, clubs or organizations.
 - (e) 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 a voluntary or co-operative housing body, which is recognised as such by the Council.
 - (f) Developments for which public piped sewerage services are unavailable will be exempted from half of the contribution amount attributable to the Water & Drainage class of public infrastructure and facilities. Where no piped water service is available the appropriate contribution will not apply.
 - (g) Agricultural Buildings are exempt. 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 are not covered by this exemption. Such developments are subject to a 50% reduction in the commercial rate.
 - (h) Ancillary surface car parking.
 - (i) Non fee paying schools.
 - (j) Signage, shop fronts, entrance gates, railings, fencing, antennae structures, bus shelters, switch rooms, substations, power lines etc.
 - (k) Appropriate reductions in respect of demolition work will be considered. Demolitions must be necessary to facilitate the proposed development and applicants must demonstrate that a Section 48 levy was previously paid in respect of the structure to be demolished.
 - (l) Internal layout alterations where no additional floor area is created.

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 2010.
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 the Note I 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.

APPEAL TO AN BORD PLEANÁLA (“the Board”)

14. 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

15. 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 2010 until 31 December 2017, unless a New Scheme is made in the interim.

SPECIAL DEVELOPMENT CONTRIBUTIONS

16. 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 2010 – 2017 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.
17. **This Scheme is effective in respect of permissions granted from 1st January 2010.**

APPENDIX I

TABLE A – COSTS INCLUDED IN SCHEME

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

	Cost included in Scheme €m	Contributions Allocated €m	% Contributions Allocated
Class 1: Roads infrastructure & facilities	€96.0	€52.0	48.8%
Class 2: Water & Drainage infrastructure and facilities	€420.7	€37.2	34.9%
Class 3: Community & Parks facilities and amenities	€20.6	€17.3m	16.3%
Total costs included in Scheme	€537.3	€106.5	100%

TABLE B – PROJECTED DEVELOPMENT

Units of projected residential development (averaged at 100 square metres) and projected industrial/commercial development (in the years to 2017):-

<u>Residential</u>	<u>Industrial/Commercial</u>
5,600 units	233,000 sqm

APPENDIX II – PROJECT LISTS

Roads

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. Sword Road R132 Upgrade, Airport Roundabout to Collinstown Cross
5. Malahide Road Realignment, N32 Upgrade, E-W Distributor Road, Kinsealy/Baskin Lane Improvement Scheme
6. Station Road Improvements
7. Moyne Road Upgrade R123
8. East West Distributor Stockhole Lane to Cherryhound
9. Kettles Lane Upgrade
10. Snugborough/Waterville Roundabout
11. Mulhuddart Interchange Upgrade N3
12. Ongar to Barnhill Link
13. Balbriggan RR Ph 2 Hampton Demesne
14. Balbriggan RR Stephenstown L1360-4 to Naul Road R122
15. Naul Road R122 Upgrade C Ring to Harry Reynolds Road L1170
16. Skerries Southern RR, Lusk Road R127 to Rush Road R128
17. Lusk Traffic Management Scheme Ph 2
18. Rush Lusk R128 Upgrade
19. Rush Traffic Management Scheme Ph 3
20. Donabate RR Newbridge to Portrane Demesne R126
21. Turvey Avenue Upgrade
22. R132 Turvey Avenue Junction
23. Rush Relief Road
24. R132 Swords Town Centre Car Park Access Scheme
25. Rathbeale Road R125 Upgrade
26. Balheary Junction
27. Swords Relief Road at Lord Mayors
28. Swords Traffic Management Scheme Ph 4
29. Swords Western Bypass
30. Malahide Swords Road Upgrade R106
31. Sutton Cross Improvements
32. Howth Traffic Management Plan
33. North Parallel Road Fosterstown
34. Sillogue Bridge Link
35. Cappagh Road – North Road Link
36. Cappagh Road – River Road Link
37. St. Margarets Road upgrade
38. Mulhuddart Village Traffic Management Scheme
39. Castaheany Interchange Upgrade
40. N3 Upgrade Littlepace to M50
41. N3 – N4 Barnhill to Leixlip Interchange
42. Ward Cross
43. Kellystown Road
44. N3 – N2 Link Castaheany to Damastown
45. N3 – N2 Link Tyrrelstown to Cherryhound
46. Porterstown Distributor Link Road
47. Castleknock QBC
48. N3 Drainage Augmentation Scheme/Mulhuddart Bridge Replacement
49. N3 Outbound Bus Lane

Water & Drainage

1. Leixlip WTP Expansion
2. Portrane/Donabate DBO
3. Portrane/Donabate Rush and Lusk Networks
4. Blanchardstown Regional Drainage Scheme
5. Regional WWTP & Orbital Sewer
6. Dublin Bay Project No. 5.2
7. Malahide Catchment Drainage Scheme
8. Blanchardstown High Level Water Supply Scheme
9. Balbriggan Low Level Water Supply Scheme
10. Balbriggan High level Water Supply Scheme
11. Swords Drainage
12. Rolestown Foul Drainage Scheme
13. Water Strengthening Schemes
14. Drainage Strengthening Schemes
15. Balbriggan Surface Water Scheme
16. Garristown Surface Water Scheme
17. Ballyboghill Surface Water Scheme
18. Oldtown Surface Water Scheme
19. Naul Surface Water Scheme
20. Garristown Treatment Plant Permanent Upgrades
21. Ballyboghill Treatment Plants Permanent Upgrades
22. Oldtown Treatment Plant Permanent Upgrade
23. Naul Treatment Plants Permanent Upgrade
24. Ward Water Supply Scheme
25. Santry Foul Pump Station
26. Swords 800mm Augmentation Scheme
27. Swords Strengthening Scheme Lissenhall to Jordanstown
28. Howth Water Supply Scheme Phase II
29. Malahide Reservoir Phase II
30. Beaverstown Donabate Surface Water Scheme
31. Cloghran Foul Drainage Scheme
32. Duplication of the 36" Ballycoolen to Kingston
33. Swords WWTP Expansion
34. Rush, Lusk, Skerries Water Supply Scheme
35. Toberburr Foul Pump Station and rising Main
36. Balbriggan Skerries Phase 3 Network Contracts
37. 30" Main Swords Rehabilitation
38. Donabate Augmentation Scheme
39. Malahide Augmentation Scheme
40. R132 Water Supply Upgrade Collinstown to Airport
41. Balrothery Sewer Upgrading
42. Turvey Avenue Foul Sewerage Scheme
43. Coolquay Drainage Scheme
44. Tyrellstown to Cherryhound Foul Sewer
45. Regional Project Water
46. Regional Project Waste Water
47. Regional Studies/Flooding
48. Leixlip Ballycoolin Phase 3 Refurbishment
49. Regional Telemetry & GIS
50. North Fringe Sillogue Branch Water

Community & Parks

1. Brackenstown Community Facility
2. Castaheany Phase 2 Sports Facility
3. Meakstown Community Facility
4. Swimming Pool Balbriggan
5. Fingal Sports Complex
6. Seamus Ennis Cultural Facility
7. Kinsealy/Melrose Community Project
8. Anna Liffey Mills
9. Urban Tree Schemes
10. Depot Facilities Improvements
11. Beechpark Gardens Restoration
12. Ward River Valley Park
13. Millennium Park Blanchardstown
14. Objectives contained in Green Infrastructure Strategy
15. Skerries Library
16. Bremore Regional Park
17. All Weather Facilities
18. Swords Regional Park
19. Rogerstown Inner & Outer Estuary.