



Fingal County Council

Draft Development Contribution Scheme

2021-2025 (under Section 48, Planning &

Development Act 2000, as amended)



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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 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 contribution 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 for 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 the 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 a broadband,
 - (g) the provision of school sites,
 - (h) any matters ancillary to paragraphs (a) to (g)."
- (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 2021 – 2025 ("the Scheme") is as follows:
- (a) The amount of the costs which are attributable, in the years to 2025 to the three classes of public infrastructure and facilities (listed in the table at Section 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 2025. These floor areas are given in Table B of Appendix 1 which is annexed to the Scheme.
- (c) The development contributions payable per square metre of the 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
 - An examination of current market conditions

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

DEVELOPMENT CONTRIBUTION SCHEME

7. This Fingal County Council Development Contribution Scheme 2021- 2025 ("the Scheme") is made under Section 48 of the Planning & 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 Section 11 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: Transportation Infrastructure & Facilities	€54.02	€42.18
Class 2: Surface Water Infrastructure & Facilities (incl. Flood Relief)	€ 4.91	€ 3.83
Class 3: Community & Parks facilities & Amenities	€39.28	€30.68
Total of Contributions Payable	€98.21	€76.69

Note 1:

Effective Date

These rates of contribution shall be effective from 1st January 2021 to 31st December 2025.

Note 2:

Indexation

Indexation in accordance with the Society of Chartered Surveyors Ireland (SCSI) Tender Price Index will apply annually from 1st January 2022. Having regard to economic or other circumstances and, subject to the approval of the Council, it may be decided not to apply this indexation for a particular year(s).

Note 3:

Calculation of Floor Area

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 4:

Calculation of Extensions to Existing Developments

New extensions to existing developments will be charged at the above rates also (subject to Section 11 (a)).

Note 5:

Open Space Shortfall

(a) 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 - €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 space, recreational and community facilities and amenities and landscaping works – see Appendix 2.

RETENTION PERMISSIONS

10 All retention permissions will be charged a multiple of 1.25 times the appropriate rates for any development in excess of the exemptions provided for under Section 11 of this Scheme.

EXEMPTIONS AND REDUCTIONS –

11 (i) The following categories of development will be exempted from the requirement to pay development contributions or may pay a reduced rate, as stated, under the Scheme;

- (a) The first 40 square metres of domestic extensions. This exemption is cumulative and limited to 40 square metres in total per dwelling.
- (b) Domestic extensions for accommodation of disabled person(s) are exempted in full in cases where a Disabled Persons Grant is approved.
- (c) Attic Conversions
- (d) 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, and not to be used for profit or gain.
- (e) The non-build element of large scale outdoor recreational developments such as golf courses, sports pitches and tennis complexes.
- (f) Non-commercial community related developments by voluntary non-profit making groups, clubs or organisations. The development must be exclusively for the primary purpose of the organisation, and not to be used for profit or gain.
- (g) Social housing units shall be exempt if;
 - They are provided in accordance with an agreement made under Part V of the Planning and Development Act, as amended,
 - They are provided by an Approved Housing Body and it is confirmed by the Housing Department of Fingal County Council that the development contributions are not due,
 - They are built by, or on behalf of the Council

This exemption does not include any Open Space Shortfall that may have been applied to the permission.

This exemption does not apply to housing units which are provided under a Leasing Arrangement.

- (h) Telecommunication infrastructure both mobile and broadband being deployed as part of a Government endorsed telecommunications strategy, plan or initiative. In addition, masts, antenna, dish and other apparatus/equipment for communication purposes.
- (i) Renewal energy development with a capacity up to 0.5MW will be exempt. Larger capacity development will be charged at a €1,000 per each 0.1MW above an installed capacity of 0.5MW.
- (j) Agricultural Buildings, glasshouses and poly tunnels used for agricultural purposes by persons primarily engaged in farming are exempt.
- (k) Buildings associated with the processing, distribution, supply or sale of fruit, vegetables, or any agri or market gardening products locally produced are subject to a 50% reduction in the commercial rate.
- (l) Ancillary, surface and underground car parking is exempt. (i.e. Council's Development Plan standards).
- (m) Stand-alone commercial car parks are subject to a 50% reduction in the commercial rate.
- (n) Non fee paying primary schools and secondary schools
- (o) Signage, Shop front, entrance gates, railings, fencing, antenna structure, bus shelters, switch rooms, substations, power lines, gas skids, etc.
- (p) Demolition and Rebuild:

Where permission is granted to demolish in part or in full an existing building and replace with another, then the development contribution payable is to be calculated as follows:

- Where a contribution has been previously paid – the contribution will be levied on the increased floor area of the new build over the old.
- If no contribution was previously paid – the contribution will be levied on the new development in full.

The Scheme does not provide for any rebate or refund in this regard.

(q) Internal layout alterations where no additional floor area is created, and external walls are not being removed.

(r) Garages and garden sheds.

If approval is subsequently granted to convert exempt structure to habitable accommodation, then the appropriate contribution is applicable.

(s) Renovations to restore/refurbish structure deemed to be "Protected Structures" in the County Development Plan, where the Council is satisfied that works substantially contribute to the conservation or restoration of the structure, are exempt.

Extensions to Protected Structure 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% of 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.

(t) 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).

(u) Change of use applications are exempt, unless the revised usage constitutes a substantial intensification of use of the building or service.

11 (ii) For Clarification purposes:

- (a) Exemptions and reduction shall not apply to Special Development Contributions under Section 48 (2)(c)
- (b) Private medical centres, primary care centres, consultant rooms and similar developments, including ancillary buildings are not exempt.
- (c) Third level educational institutions and student accommodation are not exempt.
- (d) Fee Paying Schools are not exempt.

PAYMENT OF CONTRIBUTION

- 12. Conditions requiring payment of the contribution provided for in the Scheme will be imposed on 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 2021.
- 13. 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 Section 9 above.
- 14. The Council may facilitate the phased payment on contributions payable under the Scheme, and the Council may require the giving of security to ensure payment of contributions.
- 15. 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 associated costs and fees.

APPEAL TO An BORD PLEANÁLA (“the Board”)

- 16. 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

17. 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 2021 to 31 December 2025, unless a New Scheme is made in the interim. The duration of the Scheme may be extended beyond 2025 if considered appropriate subject to the approval of the elected members.

SPECIAL DEVELOPMENT CONTRIBUTIONS

18. 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 2021 – 2025 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 contributions are levied). Only developments that will benefit from the public infrastructure of 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

19. This Scheme is effective in respect of permissions granted from 1st January 2021.

APPENDIX 1 – 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: Transportation Infrastructure & Facilities	€184.6m	€77.28m	55%
Class 2: Surface Water Infrastructure & Facilities (incl. Flood Relief)	€20.55m	€7.02m	5%
Class 3: Community & Parks facilities & amenities	€114m	€56.2m	40%
Total costs included in Scheme	€319.15m	€140.5m	100%

TABLE B – PROJECTED DEVELOPMENT

Units of projected residential development and projected industrial/commercial development (in the years 2021 – 2025)

<u>Residential</u>	<u>Industrial/Commercial</u>
10,620 units – 1,070,000m ²	462,000 m ²

APPENDIX 11 – PROJECT LISTS

The project list is indicative only, priorities may change, and other projects may be added and funded as they arise over the course of the Scheme.

Transportation

- 1 Malahide Swords Road, Upgrade and Cycle Route
- 2 Blanchardstown to Phoenix Park Cycle Way
- 3 Rush-Lusk Cycle Route
- 4 Dublin 15 Cycle Routes
- 5 Balbriggan RR Ph 3 L1360-1 to Skerries Road R127 bridge
- 6 Balbriggan RR Ph 6 Naul Road R122 – Flemington Lane L1135, Naul Road Upgrade (C Ring to M1) and C Ring to Hamlet Lane
- 7 Donabate Relief Road/Hearse Road Donabate R132
- 8 Malahide Road Realignment, N32 Upgrade, E-W Distributor Road, Kinsealy/Baskin Lane Improvement Scheme
- 9 Ongar to Barnhill Link
- 10 Rathbeale Road Upgrade
- 11 Swords Western Distributor Road
- 12 Additional infrastructure, Swords environs
- 13 Kellystown Road Upgrade
- 14 Fingal Coastal Way
- 15 Airport Western Access
- 16 Airport Roundabout Upgrade
- 17 R108 Collinstown Lane Upgrade
- 18 Ward River Crossing
- 19 R122 Naul Road – M1 to Stephenstown
- 20 Roads Investment Programme (R132)
- 21 FCC Fleet – Electric Vehicle Charging Points and Software
- 22 Public Usage – Electric Vehicle Charging Points and Software
- 23 Traffic Control Room
- 24 Infrastructure Bike Sharing Scheme

Community & Parks

- 1 County Library in Swords Cultural Quarter
- 2 Howth Library Refurbishment and extension
- 3 Extension to library facilities in Dublin 15 area
- 4 Skerries – Refurbishment of Library
- 5 Meakstown Community Facility
- 6 Multi Purpose Recreational Facility
- 7 The Marketing Suite Baldoyle
- 8 Churchfields Mulhuddart Community Facility
- 9 Donabate Portrane Community Centre Extension
- 10 Howth Community Facility (new/existing refurb)
- 11 Castlelands Balbriggan Community Facility
- 12 Development of New Regional Parks including (Swords Regional Park, Ward River Valley & Broadmeadow Park/Lissenhall Swords, Rogerstown Park Dunsink Park, Baldoyle Racecourse)
- 13 Upgrading of Existing Regional Parks including (Bremore, Ardgillan, Newbridge, Malahide, Santry, Tolka Valley, St. Catherine’s)
- 14 Development of New Recreational Hubs and Sports Facilities (Rush, Lusk, Baldoyle)
- 15 Upgrading of Existing Recreational Hubs & Sports Facilities including (Bremore Regional Park, St. Catherine’s Lucan, Porterstown, Ballymastone, Malahide, Ward River Valley)
- 16 Development of New Local/Neighbourhood Parks including (Donabate, Lusk, Rush, The Naul, Northwest Balbriggan)
- 17 Upgrading of Existing Local/Neighbourhood/Town Parks
- 18 Development of New Play Facilities
- 19 Redevelopment/Expansion of Existing Play Facilities
- 20 Implementation of Fingal Biodiversity Action Plan
- 21 Commission and Implement Conservation & Management Plans for Upgrade of Heritage Landscapes & Gardens
- 22 Green Infrastructural Improvements (Nature Based Solutions to improve Resilience and Climate Change Adaptation)
- 23 Harbour Refurbishment Skerries
- 24 Harbour Refurbishment Balbriggan
- 25 Town Centre Millennium Park, Blanchardstown
- 26 Ward River Valley Park – Development Works
- 27 Tolka Valley Park Improvements
- 28 St. Catherine’s Park, Lucan
- 29 Ardgillan Demesne – Development Works
- 30 Racecourse Park, Baldoyle (Millennium)
- 31 Hartstown Park Improvements

- 32 Tyrrellstown Park
- 33 Ladyswell Park/Mick Walsh Park
- 34 Malahide Demesne Development Works
- 35 Talbot Gardens Malahide Demesne
- 36 Coastal Walks & Car Parks – Howth/Malahide
- 37 Newbridge Demesne Improvement Works
- 38 Santry Demesne Development Works
- 39 Corduff Park
- 40 Skerries Townpark
- 41 Refurbishment of Public Conveniences C/W
- 42 Development Works at Bremore Castle
- 43 Development Works at Ardgillan Castle
- 44 Shackleton Gardens

Surface Water (incl. Flood Relief)

- 1 Portrane Canal Works (Surface Water)
- 2 Howth Surface Water Culvert
- 3 Rogerstown Estuary Coastal Flood Defence Project
- 4 Holywell Pump Station relocation
- 5 Beaverstown Surface Water Scheme
- 6 Burrow Beach Surface Water Outfall Pipeline Repair
- 7 Strategic Long Term Assessment of the Surface Water Network in Potrane/Donabate
- 8 Dublin 15 Area – Surface Water Network
- 9 Swords/Lissenhall Surface Water Network
- 10 Howth/Sutton Surface Water Network (excluding Surface Water Culvert Project)
- 11 Malahide/Portmarnock Surface Water Network
- 12 Ballyboughal Surface Water Network
- 13 Balbriggan/Rush/Lusk/Skerries Surface Water Network
- 14 Fingal Surface Water Network Improvements (excluding specific areas above, including Fingal South, Central and North)
- 15 Surface Water Infrastructure Programme (non pipe network infrastructure)
- 16 Surface Water Pumping Stations Capital Improvements
- 17 Ward River Valley Swords (Ponds)
- 18 Stephenstown Balbriggan (River Corridor Restoration)
- 19 Santry Park (Augment the attenuation provision)
- 20 Newbridge/Turvey (Agricultural Water Pollution) River Corridor Improvements and Car Parking Improvements

- 21 Balheary Park Swords (Surface Water Outfalls)
- 22 Sutton Park (Residential examples)
- 23 Hartstown D15 (Localised Drainage Issue)
- 24 Baldoyle Racecourse
- 25 Bog of the Ring Restoration
- 26 Malahide/Portmarnock (Seabury, Chalfont, Kelvin Close, Heather Walk, Carrickhill Walk, Carrickhill and Ardilaun) Foul Sewer Infiltration
- 27 Baldoyle Abbey Park
- 28 Portrane Local Authority Housing Scheme
- 29 Beaverstown Residential Development
- 30 Howth – Implementation of the Hydrological Study to restore natural hydrology for aquatic systems in Howth
- 31 Lusk Village/Orlynn Park/Ring Road
- 32 Filter drains, ponds ,detention ponds, swales, downpipe planters. Improvement to biodiversity, amenities, attenuation, flood alleviation and bathing water quality. (Rush, Skerries/Loughshinny, Ballyboughill, Naul – Village Park, Garristown, Balrothery, Oldtown, Rivermede, Rush/Clifflands Estate)
- 33 Filter drains, ponds, tree pits, swales, detention basins. Improvement to biodiversity, amenities, attenuation, flood alleviation and bathing water quality (Ballyboughil, Channel Road Rush, Old Portmarnock – Chapel Lane, Damastown Industrial Estate, Baldoyle Industrial Estate, Drinan Industrial Estate, Airways Industrial Estate)