

[DRAFT] Dún Laoghaire-Rathdown County Council

**Development Contribution Scheme in respect of development in the Old Connaught Area
2026 - 2036**

Section 48, Planning & Development Act, 2000, (as amended)

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1. Legislation and Definitions

- 1.1. The Dún Laoghaire-Rathdown County Council Development Contribution Scheme Old Connaught Area (the “**Scheme**”) is made by Dun Laoghaire-Rathdown County Council (the “**Council**”) in exercise of its powers under Section 48 of the Planning and Development Act, 2000 (as amended) (the “**2000 Act**”).
- 1.1.1. Section 48(1) of the 2000 Act, enables a planning authority, when granting a planning permission under section 34 of the 2000 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).
- 1.1.2. Section 48(2)(a) of the 2000 Act provides that the basis for the determination of a contribution under section 48(1) of the 2000 Act shall be set out in a development contribution scheme made under section 48, and that a planning authority may make one or more schemes in respect of different parts of its functional area. The Scheme shall apply in respect of Old Connaught Local Area Plan (“**LAP**”) area. The Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 shall also apply to development in Old Connaught LAP area.
- 1.1.3. Under Section 48(2)(b) of the, a scheme may make provision for payment of different contributions in respect of different classes or descriptions of development. The Scheme makes provision for contributions in respect of residential development. For the purpose of the Scheme residential development includes houses, apartments and duplexes for residential use.
- 1.1.4. Section 48(3)(a) of the 2000 Act provides 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.
- 1.1.5. Section 48(3)(b) of the 2000 Act provides that in stating the basis for determining the contributions in accordance with section 48(3)(a) of the 2000 Act, 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. The classes of public infrastructure and facilities in respect of which contributions are to be paid are indicated in the Tables provided in Appendix I and II of the Scheme.
- 1.1.6. Section 48(3)(c) of the 2000 Act provides that a scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.
- 1.1.7. Section 48(14)(a) of the 2000 Act provides that money accruing to a local authority under section 48 of the 2000 Act shall be accounted for in a separate account and shall only be applied as capital for public infrastructure and facilities.
- 1.1.8. Section 48(15)(a) provides that a planning authority may facilitate the phased payment of contributions under section 48 of the 2000 Act and may require the giving of security to ensure payment of contributions.
- 1.1.9. Section 48(17) of the 2000 Act provides that the “public infrastructure and facilities” means—
- (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 those 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 places, 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).

1.2. In accordance with section 28(1) of the 2000 Act, when making the Scheme the Council has had regard to ministerial guidelines issued by the Minister for Housing, Local Government and Heritage.

1.3. In the Scheme: -

- i. “building” means a building, structure or erection (whether permanent or temporary) of any kind or of any materials;
- ii. “shop” means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public—
 - (a) for the retail sale of goods,
 - (b) as a post office,
 - (c) for the sale of tickets or as a travel agency,
 - (d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer's off licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,
 - (e) for hairdressing,
 - (f) for the display of goods for sale,
 - (g) for the hiring out of domestic or personal goods or articles,
 - (h) as a launderette or dry cleaners,
 - (i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or. intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) applies.

2. BASIS FOR DETERMINATION OF CONTRIBUTION

2.1. The basis for determination of a contribution under the Scheme is as follows:-

2.1.1. The amount of the actual estimated costs that are attributable to the three classes of public infrastructure and facilities listed in Appendix II to the Scheme in the years to 31st of December 2036. These costs have been included in Tables C & D of Appendix I to the Scheme.

2.1.2. The development contributions payable per unit of residential development, were determined upon consideration of a number of factors including:

- i. eligible costs of projects;
- ii. expected quantum of development;
- iii. market conditions.

2.1.3. Table C of Appendix I to the Scheme includes the costs attributable to the classes of infrastructure and facilities listed therein over the lifetime of the Scheme and the contributions allocated to such classes of infrastructure and facilities.

2.1.4. Table D of Appendix I to the Scheme outlines the projected development of infrastructure and facilities over the lifetime of the Scheme.

3. DEVELOPMENT CONTRIBUTIONS

3.1. Under the Scheme, the Council will, when granting permission under Section 34 of the 2000 Act for development in its functional area to which the Scheme applies include conditions requiring the payment of a contribution (the amount of which is to be determined in accordance with the Scheme) in respect of public infrastructure and facilities benefiting development in the Old Connaught area and that is provided, or that it is intended will be provided, by or on behalf of Dún Laoghaire-Rathdown County Council, regardless of other sources of funding for the infrastructure and facilities.

3.2. The level of contribution in respect of which payment is to be required under planning permission shall be determined in accordance with the Scheme.

3.3. Contributions in respect of which payment is required under planning permission in accordance with the Scheme are to be paid in respect of three different classes of public infrastructure and facilities, namely Class 1: Community, Parks Facilities & Recreational Amenities, Class 2: Transport Infrastructure, and Class 3: Surface Water Infrastructure. Each contribution collected in respect of each of the foregoing classes of public infrastructure are to only be applied as capital for the class of public infrastructure and facilities in respect of which the contribution concerned was collected.

3.4. For the avoidance of doubt, contributions payable in respect of the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 shall be determined and collected in accordance with that development contribution scheme for the time being in effect and not under this Scheme.

4. LEVEL OF CONTRIBUTION

- 4.1. The level of contributions to be levied and paid (except where and insofar as an exemption or reduction applies in accordance with Article 6 of the Scheme) in respect of the different classes of public infrastructure and facilities benefitting development in the Old Connaught Area are set out in Table A below.

Table A: Old Connaught Area

Classes of Public Infrastructure	€ per unit of Residential Development
Class 1: Community & Parks Facilities & Recreational Amenities	€17,313.47
Class 2: Transport Infrastructure	€15,721.91
Class 3: Surface Water Infrastructure	€5,879.99
Total of Contributions Payable	€38,915.37

As per Article 4.8 of the *Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028* the following applies Should a geographical area require a higher level of financing for new services and infrastructure than is envisaged within the Scheme, then the Council reserves the right to prepare and adopt a separate scheme under section 48 of the 2000 Act in respect of that particular area or an alternative funding mechanism. Any separate section 48 scheme will include the Countywide contribution as set out in Table B below. It should be noted that the rates of contribution in Table B Countywide have been adjusted for indexation as per the scheme and the rates below are applicable to all grants of permission since the 01/01/2026.

Table B highlights the Countywide rates and as per 3.4 above and for the avoidance of doubt, contributions payable in respect of the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 shall be determined and collected in accordance with that development contribution scheme for the time being in effect and not under this Scheme.

Table B: Countywide

Classes of Public Infrastructure	€ per unit of Residential Development	€ per square metre of Domestic Extensions in excess of 40 sq.m	€ per square metre of Commercial class of Development
Class 1: Community & Parks Facilities & Recreational Amenities	€11,656.04	€100.66	€100.66
Class 2: Transport Infrastructure	€2,081.44	€17.98	€17.98
Class 3: Surface Water Infrastructure	€138.76	€1.20	€1.20
Total of Contributions Payable	€13,876.24	€119.84	€119.84

4.2. The Old Connaught Area in which development is subject to **both** the contribution rates included at Table A above and the countywide contribution rates included in Table B above, is shown on drawing no. PL-26-005, at Schedule 1 to the Scheme.

4.3. On the 1st of January 2027, and on the 1st of January every year thereafter throughout the lifetime of the Scheme, the rates of contribution set forth in Table A in Article 4 of the Scheme shall be updated in accordance with the SCSi Tender Price Index. For the avoidance of doubt, the rates set forth in Table A are effective from the date on which the Scheme comes into effect.

All retention permissions will be charged a multiple of 1.25 times the applicable rates outlined in the Tables above (as index-adjusted from time to time in accordance with the Scheme). Contributions due in respect of permission for retention will become payable immediately upon the issue of the final grant of permission unless otherwise agreed in writing with the Council. No exemptions or reductions under Article 6 of the Scheme shall apply to any development subject to retention permission other than the following list of exemptions, 6.1 - iv. v. vi. vii. viii. ix, x, xv & xvi as detailed below.

5. Operation of Scheme

5.1. For the avoidance of doubt, the Old Connaught Scheme does not affect the section 48 scheme in respect of the Cherrywood Planning Scheme Area for the time being in effect.

- 5.2. Exemptions and reductions provided for by Article 6 of the Scheme shall not apply to any special development contribution(s) in respect of which payment is required pursuant to section 48 (2)(c) of the 2000 Act.
- 5.3. As noted in Article 1.1.3 of the Scheme, any development (including, for the avoidance of doubt, change of use) that is not residential in nature will be classified as commercial development.
- 5.4. Contributions collected for each class of public infrastructure i.e. Class 1: Community & Parks Facilities & Recreational Amenities, Class 2: Transport Infrastructure and Class 3: Surface Water Infrastructure, shall only be used as capital for the development of the class of public infrastructure concerned.
- 5.5. Contributions collected in respect of public infrastructure and facilities benefitting development throughout the County of Dún Laoghaire-Rathdown shall only be used to fund that class of public infrastructure and facilities that benefits countywide development, ie. the relevant class of projects listed in Appendix II to the Scheme.
- 5.6. Any decision to modify or amend planning permission where there is no additional liable area or unit as per the Scheme, no further contributions will be applied. Any additional floor area or unit will have contributions applied in accordance with the Scheme.

6. EXEMPTIONS AND REDUCTIONS

- 6.1. The following categories of development will be exempted from the requirement to pay development contributions under the Scheme: -
- i. The first 40 square metres of any domestic extension (including, for the avoidance of doubt, any floor area that is exempted development under the Planning and Development Regulations 2001, Schedule 2, Part 1, Class 1), including granny flats and/or any building that is physically separate/detached from the principal building but located within the curtilage thereof. This exemption is cumulative and limited to 40 square metres in total per unit (including any physically separate building). The exemption hereby provided will not apply to the area of any domestic extension insofar as it exceeds 40 square metres, including granny flats (whether physically connected to the principal building or not), in respect of which development contributions shall be determined and charged in accordance with the Scheme calculated per square metre of development subject to a maximum contribution equivalent that is payable in respect of 1 residential unit.
 - ii. Domestic extensions for the purpose of providing accommodation for disabled person(s), irrespective of gross floor area, provided that a Housing Adaptation Grant for People with a Disability has been granted under the appropriate scheme; and/or,
 - a. in the case of a modification to accommodate the needs of a disabled child under the age of 16 years, the applicant or a member of their household is in receipt of a domiciliary care allowance; and/or,
 - b. in the case of a modification to accommodate the needs of an adult, the adult concerned qualifies for an exemption from VAT pursuant to the Value Added Tax (Refund of Tax) (No. 15) Order 1981.

Note: Where an exemption is claimed on the basis of VAT-exemption status the planning authority may require the applicant to produce a letter of confirmation issued by the Revenue Commissioners.

- iii. Attic Conversions and garage conversions attached to the rear or to the side of an existing house.
- iv. Embassies.

- v. Developments by organisations 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, including registered charities provided that the development is exclusively for the primary purpose of the organisation/charity. The Council may require production of an affidavit to confirm that the body concerned is entitled to claim this exemption.
- vi. Primary schools and post primary schools, non-commercial community centres, youth centres, and similar non-commercial community-related developments.
- vii. Social and affordable housing if funding for same is being provided by Central Government on terms that specifically exclude the requirement for the payment of development contributions under a scheme such as the Scheme, and;
 - a. the housing units that are provided in accordance with an agreement made under Part V of the 2000 Act; and/or
 - b. the housing units are built by, or on behalf of the Council; and/or
 - c. the housing units are built by or on behalf of the Land Development Agency, an Approved Housing Body as defined in Section 1 of the Housing (Miscellaneous Provisions) Act, 1992 (as amended), Voluntary or Co-Operative Housing Body reserving tenancy nomination rights to the Council,

provided always that the Housing Department of the Council has confirmed that the development contributions are not due.

The Council may require the applicant for an exemption hereunder produce an affidavit confirming that it is eligible for same.

Where a Part V agreement(s) has not been executed prior to the lodgment of a commencement notice, this exemption shall not apply and the full contribution payable under the permission concerned will remain payable unless and until a Part V agreement(s) is executed.

The exemption shall not apply in respect of housing units provided to the Council, the Land Development Agency or an Approved Housing Body under a lease or similar arrangement.

- viii. The non-built elements of recreational facilities (e.g., playing pitches, golf courses).
- ix. Broadband Infrastructure (i.e., masts and antennae).
- x. Initial afforestation.
- xi. Carparking is exempt in the following circumstances:
 - a. Carparking in residential developments.
 - b. Carparking integrated within a structure when ancillary to the proposed use of the structure. (When not exempt, i.e. when use is non-ancillary, it will be measured on the basis of the gross floor area.)

- c. Designated accessible carparking spaces in accordance with Technical Guidance Document M in all developments shall be exempt from contributions, all designated accessible carparking spaces will be measured at 25 metres square.

Surface car parking is leviable at 25% of the Countywide commercial rate only and will be assessed on the basis of each car parking space being 12 square metres.

- xii. Renovations to restore/refurbish structures included in the record of "Protected Structures" in the County Development Plan for the time being in force, but only where the Council is satisfied that the works substantially contribute to the conservation or restoration of the structure. This exemption shall not apply to any additional floor area that is to be added to a protected structure (including where physically separate from the principal building but within the curtilage thereof) and any such development will be levied at the appropriate rate determined in accordance with the Scheme.
- xiii. Agricultural buildings.
- xiv. Change of use of an existing premises, including "Living Over The Shop". For clarification purposes this exemption shall not apply to any additional floor area that is to be added (including where physically separate from the principal building but within the curtilage thereof) and any such development will be levied at the appropriate rate determined in accordance with the Scheme.
- xv. Substations/Switch Rooms
- xvi. Ancillary plant rooms (where plant is not the core activity/operation)
- xvii. The first 100 square metres of a 'shop' as defined in Article 1.3 of the Scheme. This exemption will only be applicable where the floor area is described as a shop in the Planning Application form and will only apply to one shop unit per Planning Application. For the avoidance of doubt, any development of a 'shop' shall, insofar and to the extent that it exceeds a gross floor area of 100 square metres, be levied at the appropriate rates of contribution determined in accordance with the Scheme.
- xviii. Renewable energy development with a capacity up to 0.5MW. Any such development with a capacity greater than 0.5MW will be charged at a rate of €1,000 per each 0.1 MW above an installed capacity of 0.5MW. The applicant will be required to demonstrate that the development qualifies for this exemption.

6.2. Contributions to be paid in respect of the following shall be reduced in the manner indicated: -

- i. Where existing residential development is demolished and replaced by new residential development, contributions payable in respect of the replacement development shall be reduced by an amount equivalent to 50% of the contribution that would have been levied in respect of the original existing development had it been subject to the Scheme. Therefore, by way of example, if a one existing housing unit is demolished and replaced by ten housing units, the contributions payable shall be reduced by the equivalent of 50% of the contribution payable in respect of one housing unit.

The reductions at i. above apply on a 'like for like' basis only and therefore, for the avoidance of doubt, no reduction shall apply where commercial development replaces existing residential development or vice versa.

- ii. Contributions in respect of temporary permissions shall be reduced on the following basis:
 - a. 33% of normal rate for permissions of up to 3 years

- b. 50% of normal rate for permissions of up to 5 years
- c. 66% of normal rate for permissions of up to 10 years.

When a combination of temporary permissions is granted, any contributions previously paid in connection with that development will be credited against the appropriate contribution owing under any subsequent permission for the same development. Further, in the event that a subsequent application for full planning permission is granted, any contributions previously paid in accordance with temporary permission(s) for that development will be credited against the appropriate contribution owing.

- iii. Where an existing single occupancy house is subdivided into a maximum of two separate residential dwellings, this shall be charged at 50% of the residential development rate in Table A only (subject to indexation as per clause 4.3 of the Scheme) any additional floor area will be charged at the applicable rate, subject to the provision of clause 6.1(i).

7. PAYMENT OF CONTRIBUTION

- 7.1. Conditions requiring payment of the contributions provided for in the Scheme will be included in all decisions to grant planning permission made on or after the date on which the Scheme comes into effect.
- 7.2. Contributions under the Scheme shall be payable prior to commencement of development (including, for the avoidance of doubt, the demolition of any building in accordance with the permission) unless otherwise agreed in writing with the Council. The conditions requiring payment of contributions included by the Planning Authority when granting permission for development to which the Scheme applies shall include a requirement that the contribution concerned be paid prior to commencement of development (including, for the avoidance of doubt, the demolition of any building in accordance with the permission) unless otherwise agreed in writing with the Council.
- 7.3. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission (including, for the avoidance of doubt, the demolition of any building in accordance with the permission) is commenced. Where a contribution that is payable has not been paid in full, the balance outstanding as of the 1st of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full.
- 7.4. The Council may enter into an agreement to facilitate the phased payment of contributions (a “**phasing agreement**”), and the Council may require the giving of security to ensure payment of contributions. A phasing agreement shall be made in writing between the Council and the developer(s) carrying out development in accordance with a planning permission and shall provide for the payment of all contributions payable under the planning permission concerned. The Council shall enter into only one phasing agreement per planning permission to which all developers under the permission must be a party and which shall provide for the payment of all development contributions in respect of which payment is required by a condition(s) of the permission.
- 7.5. In accordance with s. 48(15)(c) of the 2000 Act, the Council may recover as a simple contract debt in a court of competent jurisdiction any contribution (including interest and legal costs) that is payable under planning permission in accordance with the Scheme.
- 7.6. Further or in the alternative, in accordance with Part VIII of the 2000 Act, the Council may institute enforcement action in respect of unauthorised development, comprising development carried out, otherwise that is in conformity with permission pertaining to that development or any condition to which the permission is subject, including but not limited to a condition requiring the payment of a contribution under the Scheme.

7.7. For the avoidance of doubt should a person, including a developer or landowner, deliver or construct any of the public infrastructure and facilities set out in Appendix II of the Scheme, those works shall be at the person's own expense and risk unless the contrary is provided for by a binding legal agreement made in writing between the Council and the person concerned in respect of the delivery and/or construction of the public infrastructure and facilities in question in advance of any works being carried out.

8. APPEAL TO AN COIMISIÚN PEANÁLA (the "Commission")

8.1. In accordance with s. 48(10(b) of the 2000 Act, an appeal may be brought to the Commission where the applicant for planning permission under s. 34 of the 2000 Act considers that the terms of the Scheme have not been properly applied in respect of any conditions laid down by the Council.

9. REVIEW OF SCHEME

9.1. The Scheme may be reviewed from time to time by the Council having regard to prevailing circumstances. The Council will endeavor to make a new scheme prior to the 31st of December 2036, but the Scheme shall continue in full force and effect until such time as a new scheme comes into effect or the Scheme is revoked by the Members of the Council, whether before or after the 31st of December 2036.

10. SPECIAL DEVELOPMENT CONTRIBUTIONS

10.1. In accordance with section 48 of the 2000 Act, when granting planning permission, the Council may require payment of a special contribution in respect of a particular development where specific exceptional costs not covered by the Scheme are incurred by the Council in respect of public infrastructure or facilities that benefit the proposed development to which the permission relates. The public infrastructure and facilities to which the special contribution relates will be specified in the planning conditions when special development contributions are levied. Only development that will benefit from the public infrastructure or facilities in question will be liable to pay a special development contribution. Conditions imposing special contributions may be appealed to the Commission.

11. EFFECTIVE DATE

11.1. The Scheme shall come into effect on the later of the following dates:-

- i. 14 days after the Scheme is made by the Elected Members of the Council; or,
- ii. the first day of the month immediately following the month in which the Scheme is made by the Elected Members of the Council.

12. CITATION

12.1. The Scheme may be cited as the Dún Laoghaire-Rathdown County Council Development Contribution Scheme Old Connaught Area (2026-2036).

APPENDIX I

Tables C show the costs attributable in the lifetime of the Scheme to the classes of infrastructure and facilities:-

TABLE C: COSTS INCLUDED IN SCHEME OLD CONNAUGHT AREA

	Cost Included in Scheme (Millions)
Class 1 Community & Parks Facilities & Recreational Amenities	€41,838,000
Class 2 Transport Infrastructure	€37,992,000
Class 3 Surface Water infrastructure and facilities	€14,209,000
Total costs included in Scheme	€94,039,000

TABLE D: PROJECTED DEVELOPMENT

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

Table D: PROJECTED DEVELOPMENT OLD CONNAUGHT

Residential
2,417

APPENDIX II

PUBLIC INFRASTRUCTURE AND FACILITIES PROJECTS BENEFITTING DEVELOPMENT THROUGHOUT THE OLD CONNAUGHT AREA

Class 1: Community & Parks Facilities & Recreational Amenities

Walled Gardens Park

Allies River Road Park

Old Connaught Village Green

Thornhill Road Park

Jubilee Hall Park

Allies River Road Active Park

Ferndale Road Park

Sports Pitch (A publicly accessible full size sports playing pitch in the north of the LAP area, to be co-located adjacent to the proposed education site)

Community Facilities (The primary location for community facilities is in the Central Character at an area identified at Allies River Road Active Park, Section 8.4.1.1 in Chapter 8 of the LAP).

Class 2: Transport Infrastructure

Woodbrook/M11 Road Bridge

Woodbrook Bridge Roads (east and west of the motorway)

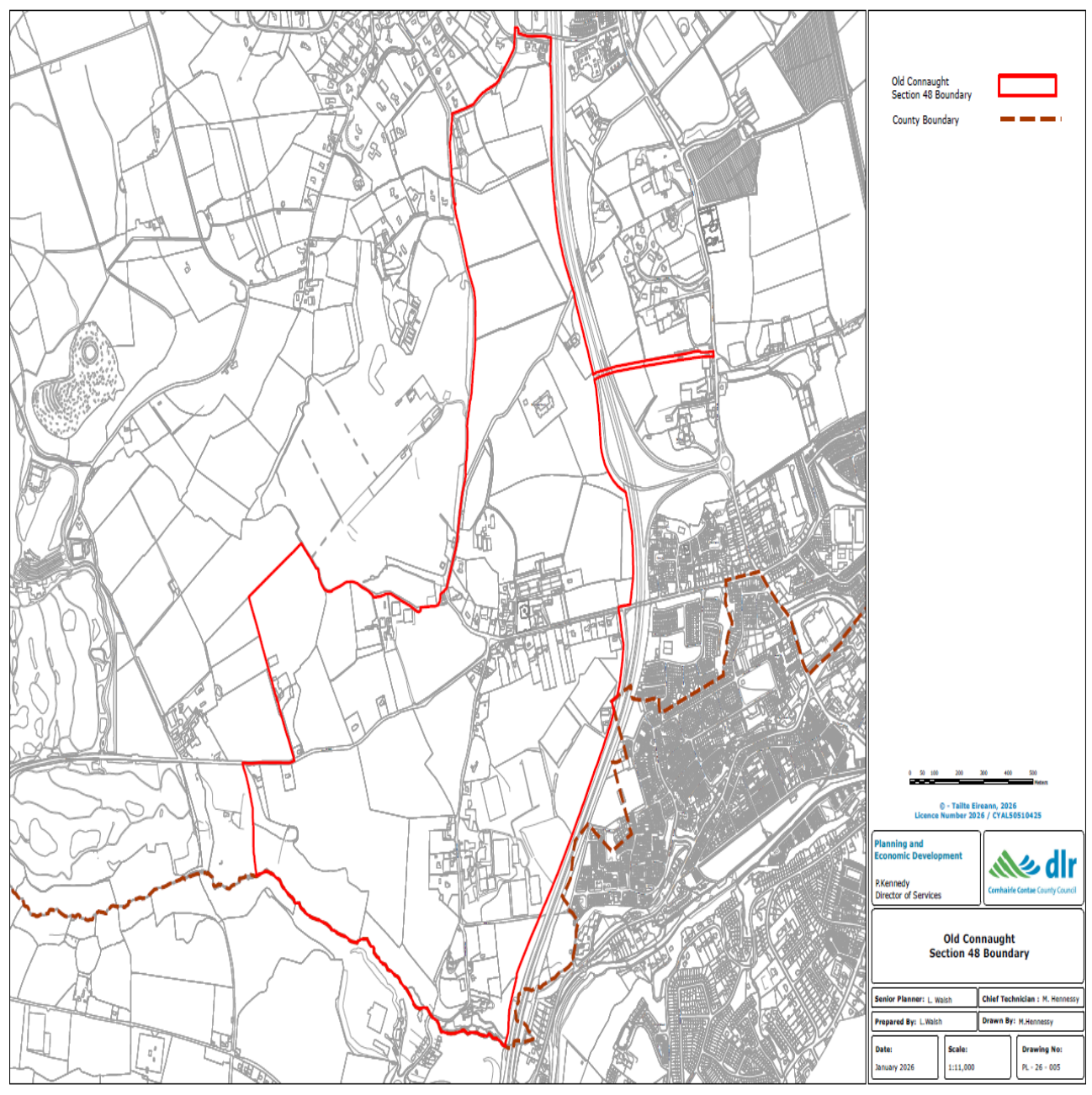
Allies River Road – Active Travel Bridge

Class 3: Surface Water

Primary Attenuation Pond

Secondary Attenuation Pond

SCHEDULE 1



As adopted *****