



## Louth County Council

### **Development Contribution Scheme (Section 48 Planning and Development Act 2000)(as amended)**

### **North Drogheda - R132 to Dublin-Belfast Railway Line**

## LOUTH COUNTY COUNCIL

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

#### 1. Development Contribution Scheme for North Drogheda Preamble

Section 48 of the Planning & Development Act 2000 (as amended) (hereafter referred to as “The Act”), enables the Planning Authority, when granting a permission under Section 34 of the Act, to include conditions requiring the payment of a financial 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).

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 contributions scheme made under Section 48 and provides that a planning authority may make one or more schemes in respect of different parts of its functional area.

A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.

Subsection (3) of Section 48 specifies that a scheme shall state the basis for determining the contribution to be paid in respect of public infrastructure and facilities in accordance with the terms of the scheme.

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, except that any benefit which accrues in respect of existing development may not be included in any such determination.

A scheme may allow for a reduced contribution or no contribution in certain circumstances in accordance with the provisions of the Scheme.

A Planning Authority may facilitate the phased payment of contributions under Section 48 of the Act and may require the giving of security to ensure payment of contributions.

## 2. Definitions

“Public infrastructure and facilities” has the same meaning as set out in Section 48 (17) of the Act as follows:

- (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, wastewater and water treatment facilities, drains and watermains,
- (d) the provision of bus corridors and lanes, bus interchange 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, sewers, wastewater and water treatment facilities, drains or watermains, and
- (f) any matters ancillary to paragraphs (a) to (e).

“Road” has the same meaning as defined in Section 2(1) of the Roads Act 1993 “The Act” hereinafter means the Planning and Development Act 2000 (as amended)

“Scheme” hereinafter means the Development Contributions Scheme made under the Act (as amended).

## 3. Area to which the Scheme Shall Apply

As provided for under Section 48, a Planning Authority may make one or more schemes in respect of different parts of its functional area. This Scheme will apply to the area which is located between the R132(former N1) to the West and the Dublin–Belfast Railway line to the East as delineated on the attached Map (Reference No DDCS1). On the adoption of this Scheme, the provisions of the existing Louth County Council Development Contributions Scheme, as adopted in 2016 will no longer apply to the area covered by this Scheme.

#### 4. Period of North Drogheda Development Contribution Scheme

This scheme will be effective from the date it is adopted for a period of 10 years, unless a new scheme is made before then. It may, however, be reviewed from time to time by the Council. The Scheme will initially be evaluated after 2 years of its adoption and thereafter at intervals of 2 to 3 years as appropriate. Should there be a change to relevant circumstances prevailing or should a change in the assumptions underpinning this Scheme of such magnitude that it materially affects the scheme, as determined by the planning authority, then the Council reserves the right to amend the Scheme at any time.

#### 5. Basis for Determination of Contributions

The Area covered by the Scheme consists of land zoned primarily for residential and commercial uses. In residential terms, the Louth County Development Plan 2021-2027 provides for new neighbourhoods with supporting community facilities. It is envisaged that 5,030 new residential units catering for a population in the region of 11,569 persons would be delivered during the life of this contribution scheme. The Louth County Development Plan 2021-2027 which replaces the previous Northern Environs Drogheda Local Area Plan contains provision for the Port Access Northern Cross Road which is necessary in order to facilitate the development of the area as the existing road network would not be capable of taking the additional traffic generated.

The Scheme is based on the estimate of cost of the infrastructure and facilities required to support the development of the area including the provision of roads, surface water management arrangements and recreational facilities and amenities.

The total cost of infrastructure to be provided is estimated at €49,698,660. Of this figure, €2,055,780 will be provided by a number of units under construction (phases commenced) with €47,642,880 remaining to be funded under this scheme.

€46,815,240 is apportioned to residential development at a rate of €11,954.86 per allowable housing unit.

Contributions due in respect of commercial development are calculated at a rate of €91.96 per m<sup>2</sup> of gross floor area, which amounts to a projected overall figure of €827,640 . Full details of the basis of calculation are set out in the tables below.

## 6. Assessment and Level of Contributions

The assessment of the cost of the provision of infrastructure in the area was assessed by Louth County Council in accordance with the details set out below:

**Table 1: Cost of Infrastructure**

	Roads €	Amenity €	Total €
<b>Land Acquisition Costs already incurred</b>	5,698,660		5,698,660
<b>Future Land Acquisition Costs</b>	2,000,000		2,000,000
<b>Construction Costs</b>	35,000,000		35,000,000
<b>Linear Park</b>		7,000,000	7,000,000
<b>Total</b>	<b>42,698,660</b>	<b>7,000,000</b>	<b>49,698,660</b>

**Table 2 :Basis of Distribution**

<i>Number of housing units over which levy distributed</i>	
<b>No of Housing units</b>	5030
<b>Less number of units under construction (phases commenced)</b>	423
<b>less 15% S and A</b>	691
<b>Total</b>	<b>3916</b>
<b>Commercial lands</b>	
<b>Available floor area</b>	9000m <sup>2</sup>

**Table 3: Level of Contribution Scheme**

<b>Service</b>	<b>Roads</b>	<b>Amenity</b>	<b>Total</b>
<b>Housing&amp;Commercial</b>	<b>€42,698,660</b>	<b>€7,000,000</b>	<b>€49,698,660</b>
<b>Less Housing units under construction (phases commenced)</b>	<b>€1,766,225</b>	<b>€289,555</b>	<b>€2,055,780</b>
	<b>€40,932,435</b>	<b>€6,710,445</b>	<b>€47,642,880</b>
<b>Contribution per residential unit</b>	<b>€10,271.03</b>	<b>€1,683.83</b>	<b>€11,954.86</b>
<b>Cost/m2(based on gross floor area)</b>	<b>€79.01</b>	<b>€12.95</b>	<b>€91.96</b>

## 7. Method of Payment of Contribution

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 set out previously.

The Council may at its discretion facilitate the phased payment of contributions payable under the Scheme, and the Council may require the giving of security to ensure payment of contributions.

The Planning Authority will consider a reduction in accordance with Section 48(3)(A) of the Planning and Development Act as amended,

- Where a permission which includes conditions referred to in *subsection (1)* has been granted under *section 34* in respect of a development and the basis for the determination of the contribution under *subsection (1)* has changed -
  - (a) where the development is one to which Part II of the Building Control Regulations 1997 (S.I. No. 496 of 1997) applies and a commencement notice within the meaning of that Part in respect of the development has not been lodged, or
  - (b) where the development comprises houses and one or more of those houses has not been rented, leased, occupied or sold,

the Planning Authority shall apply that change to the conditions of the permission where to do so would reduce the amount of the contribution payable.

## 8. Exemptions and Reductions

The Planning Authority may allow for full or partial exemptions from payment of contributions in certain circumstances. The following categories of development only will be considered in this regard:-

- a) When a planning application consists of or comprises development, by or on behalf of a voluntary organisation and which in the opinion of the Planning Authority:-
  - (i) is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used for profit or gain,
  - (ii) is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain, or
  - (iii) is ancillary to development referred to in paragraph (i) or (ii).
- b) Restoration/refurbishment to a high architectural standard of buildings included in the Record of Protected Structures.
- c) The 20% provision in relation to Social housing units, which are provided in accordance with Part V, Section 96, of the Planning and Development Act (as amended by Section 3 of the Planning and Development (Amendment) Act, 2002 and the Affordable Housing Act 2021 or any amending legislation)

A maximum of 50% exemption will be allowed in respect of Affordable housing units, which are provided in accordance with an agreement made under Part V, Section 96, of the Planning and Development Act (as amended by Section 3 of the Planning and Development (Amendment) Act, 2002 and the Affordable Housing Act, 2021 or any amending legislation).

- d) Housing units planned and constructed as Social housing, which is proposed to be carried out by a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 and is not to be used for mainly for profit or gain.
- e) Non fee paying primary and secondary schools.
- f) Signage, shop fronts, entrance gates, railings, fencing, bus shelters, switch rooms, substations, power lines and other related type infrastructure required to facilitate the residential development in the area.

- g) The first 40 square metres of domestic extensions. This exemption is cumulative and limited to 40 square metres in total per dwelling.
- 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 which falls within the exempted development provisions.
- i) 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 (existing floor area will be discounted)
  - If no contribution was previously paid – reductions in respect of demolition work will be allowed, excluding structures exempt from contributions. Demolition must be necessary to facilitate the proposed development.
- j) Development ancillary to development referred to in paragraphs (a) to (g) above.
- k) Temporary Planning Permissions - Where the temporary permission would fully satisfy the policies objectives of the development plan/local area plan contributions are to be calculated as follows:- i. 33% of normal rate for permissions of up to 3 years duration. ii. 50% of normal rate for permissions of up to 5 years duration iii. 66% of normal rate for permissions of up to 10 years duration.
- l) Change of use applications which have the benefit of planning permission are exempt from development contributions where the change of use and internal alterations does not lead to the need for new or upgraded infrastructure/services or will not result in a significant intensification of demand being placed on existing infrastructure.

## 9. Points to Note

### **(i) General**

This Development Contribution Scheme does not provide for any rebate or refund. The Scheme aims to avoid double charging of contributions and so an allowance will be made in respect of pre-existing authorised development in place prior to the introduction of Development Contributions.

Where a particular development comes within the remit of more than one category of reduced contributions, only one such reduction may be applied. In this instance, the Council shall apply the category where the greater percentage reduction applies. The onus is on the applicant, as part of their application, to demonstrate eligibility for a waiver/reduction.

### **(ii) Adjustment of Contribution Amounts/Indexation**

The contribution rates payable will be adjusted each year on 1<sup>st</sup> January, based on changes to the Wholesale Price Index for Capital Goods, Building & Construction published by the Central Statistics Office.

### **(iii) Calculation of Floor Area**

The floor area of proposed development where buildings are involved shall be calculated as 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.

### **(iv) Developer Exemption / Reductions and Associated Procedures**

The Council envisages that the developers will have an important role to play in the direct provision of public infrastructure and facilities necessary to support the development of the area.

Where a developer incurs cost and expense (including finance costs) in the course of the provision of public infrastructure and facilities of the type intended to be funded by this Scheme, the developer shall be exempt from any obligation (including any obligation arising pursuant to any conditions imposed under planning permissions and regardless of whether such permissions were granted prior to the date of this Scheme) that otherwise would arise for the developer to pay development contributions relating to development within the area of this Scheme, such exemption being only to the value of such cost and expense so incurred and as demonstrated to the Council.

It shall be a condition of such exemption that:-

- a) the public infrastructure and facilities are to be constructed to a standard consistent with the standard (where appropriate) required for such public infrastructure and facilities to be taken in charge by the Council; and
- b) the cost and expense (including finance costs) so incurred shall be vouched by the developer.

For the purposes of this Scheme, the term 'developer' shall include any person who has received an assignment of the right to the exemption from the person who incurred or is incurring the cost and expense (including finance costs) in the course of the provision of public infrastructure and facilities.

To the extent that the Council receives payment of development contributions under this Scheme, the Council will contribute an amount not exceeding €5,000,000 towards the cost of delivery of that element of Public infrastructure and facilities comprising the R132 to Ballymakenny Road route (including upgrade of the Ballymakenny Road and Twenties Lane) where the delivery of that is being led and undertaken by developers who are availing of the exemption referred to above in respect of the cost and expense that they incur in so doing. Such contribution by the Council will be upon such terms as the Council may reasonably prescribe.

#### **(v) Special Development Contributions**

A special development contribution may be imposed under Section 48(2) of the Act in respect of a particular development where specific exceptional costs not covered by the Scheme are incurred by the council in respect of the provision of public infrastructure and facilities which benefit such development. In such circumstances, the provisions on offsetting and offsetting procedures may also be applied where considered appropriate.

#### **(vi) Calculation of contribution in respect of domestic extensions**

Level of contribution will be the total floor area of the new extension reduced by the exemption of 40sq.m. where the house has not been previously extended, over the floor area of the existing dwelling multiplied by the residential contribution.

#### **(vii) Retention Permissions**

All retention permissions will be charged at a multiple of 1.5 times the appropriate rates for any development in excess of the exemptions provided for under Section 8 of this Scheme pertaining to Exemptions and Reductions.