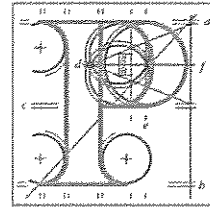


Our Case Number: ABP-313201-22

Planning Authority Reference Number: SD22A/0011

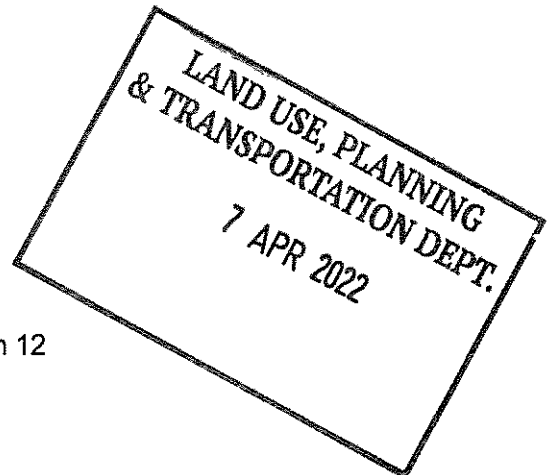


An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 05 April 2022

Re: Change of use from cold storage to light industrial use.
Unit 41, Robinhood Industrial Estate, Ballymount, Dublin 12



Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

As the appeal relates solely to the proper application by the planning authority of the terms of the development contribution scheme adopted under section 48 of the Act in respect of the condition(s) under appeal, and as there are no other appeals against the decision of the planning authority on the planning application, the provisions of section 48(10)(b) and (c) of the Act apply to this appeal.

Section 48(10)(c) of the Act provides that the planning authority shall, subject to the applicant furnishing to the planning authority security for payment of the full amount of the contribution(s) specified in the condition(s) the subject of the appeal, make the grant of permission.

The Board will determine the appeal on the basis of the proper application of the terms of the development contribution scheme and will issue appropriate directions to the planning authority when it has determined the appeal.

Submissions or observations by the planning authority.

As a party to the appeal you may, under section 129 of the Act, make submissions or observations in writing to the Board in relation to the appeal within a period of 4 weeks beginning on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you.

Your submissions or observations should specifically address the grounds of appeal relating to the alleged improper application of the development contribution scheme to the condition(s) under appeal. You should also supply details of the calculation involved, the basis on which the calculation was made and the specific provisions in the scheme on which the calculation was based.

Tel	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313201-22) requested under Submissions of documents etc. to the Board has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,



Mary Tucker
Executive Officer
Direct Line: 01-8737132

BP63A

Teil
Glaó Áitiúil
Facs
Láithreán Gréasáin
Riomhphost

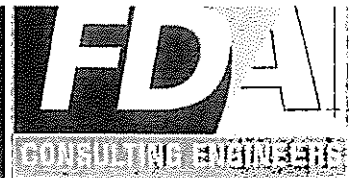
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email: admin@fdaconsulting.ie

**Fitzsimons Doyle
& Associates**



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA	
LDG-	<u>050869-22</u>
ABP-	_____
04 APR 2022 <i>o.k</i>	
Fee: €	<u>220.00</u> Type: <u>Cash</u>
Time: <u>14.02</u>	By: <u>Hand</u>

4th April 2022

Our ref: 21/5102

Applicant: Parma Motors Ltd
Ref: SD22A/0011
Ref: Change of Use from Cold Storage to Light Industrial Use
Location Unit 41 Robinhood Industrial Estate Ballymount Dublin 12.

F. P. Mooney Longmile Road, Dublin 12.

Dear Sirs,

On behalf of the applicant to the above development, Parma Motors Ltd, we wish to appeal against the Conditions contained in the Notification of Decision to Grant Planning Permission dated 10th March 2022. Copy of decision enclosed Ref SD 22A/0011.

In particular we wish to appeal against Condition No 6

Financial Contributions

The developer shall pay to the Planning Authority a financial contribution of €172,830.00 (One Hundred and Seventy Two Thousand, Eight Hundred and Thirty Euro).

This Planning Application is for a Change of Use. It does not involve any extension or alteration to the premises, the subject of the application, therefore, there is no change in the quantum of development, so in accordance with Section 11 paragraph 26 of the South Dublin County Council Contributions Scheme, No Contributions should be applied to the development and Condition No 6 is applied in error by South Dublin County Council.

These premises have existed for over twenty years and the owners have paid the rates on the premises to South Dublin County Council in support of the maintenance of services to the premises and to the estate and locality the premises are located in. As such it is a draconian measure to apply further contributions on an existing premises.

The application of these contributions act as a deterrent for the Change of Use from Cold Storage to Light Industrial. It is an obstacle to the landlords in their efforts to have the premises reinvigorated and to establish a new and sustainable use for the premises. The use of the premises as cold storage is no longer needed and it is unsustainable or viable going forward.

Page 1 of 2



Fitzsimons Doyle & Associates (Consulting Engineers) Limited. Registered in Ireland Reg. No. 131392.

DIRECTORS:

John Doyle Eur. Ing. C. Eng. M.I.C.E. MIEI F.Cons EI Dip. Proj. Man

Andrew Fitzsimons B.Sc. Eng. Dip. Eng. Dip. Geotech. Eur. Ing. Dip. MCI Arb. C. Eng. MIEI F.Cons EI



We request that the Bord remove this condition.

€220

We attach herewith the statutory fee of ~~€1,500~~ for the appeal.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Doyle'. The signature is written in a cursive style with a large, sweeping initial 'J'.

John Doyle
Chartered Engineer
Acting Agent for Parma Motors Ltd

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

John Doyle,
Fitzsimons Doyle & Associates
250, Harolds Cross Road
Dublin 6W

**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING
REGULATIONS THEREUNDER**

Decision Order Number:	0304	Date of Decision:	10-Mar-2022
Register Reference:	SD22A/0011	Date:	17-Jan-2022

Applicant: Parma Motors Ltd.

Development: Change of use from cold storage to light industrial use.

Location: Unit 41, Robinhood Industrial Estate, Ballymount, Dublin 12

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Restriction on Use.
The subject unit shall be used for Light Industrial purposes only, and for no other purpose within Part 2 or Schedule 2, Part 4 of the Planning & Development Regulations 2001 (as amended), without the prior grant of planning permission.
REASON: To clarify the scope of the Permission, in the interests of amenity and the proper planning and development of the area.
3. Drainage, Water Services and Irish Water.
(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water Standards, Codes and Practices.
(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
(c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works
REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
4. Construction Noise and Hours.
To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.
Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority,

having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

5. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €172,830.00 (one hundred and seventy two thousand eight hundred and thirty euros), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, 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 the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.



for Senior Planner

11-Mar-2022

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made, where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made, other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100



Comhairle Contae
Átha Cliath Theas
South Dublin County Council

South Dublin County Council
Development Contribution Scheme 2021-2025

(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 ('the Act'), 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 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 Act and may require the giving of security to ensure payment of contributions.

DEFINITIONS

5. Section 48 of 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 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).

"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 South Dublin County Council Development Contribution Scheme 2021 to 2025 ('this/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 the years up to and including 2025, 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 several factors, including;
 - Eligible costs of projects;
 - Expected quantum of development; and
 - The level of existing contribution rates.

And the following:

- (d) An examination of the current market conditions

DEVELOPMENT CONTRIBUTION SCHEME

7. This Scheme is made under Section 48 of the Planning & Development Act 2000, as amended

8. Under the Scheme, South Dublin 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 South Dublin and that is provided, or that it is intended will be provided, by or on behalf of South Dublin County 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 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: Transport infrastructure & facilities	25.40	24.26
Class 2: Surface water & environment infrastructure & facilities	10.66	10.18
Class 3: Community facilities & amenities	21.20	20.25
Class 4: Parks and open space facilities and amenities	21.05	19.15
Class 5: Economic, Enterprise and Tourism Development, including Libraries	18.08	17.27
Total of Contributions Payable	96.39	91.11

Note 1: These rates of contribution shall be effective for all permissions *granted* by South Dublin County Council and An Bord Pleanála after 1st January 2021 for development within the administrative area of South Dublin County Council, irrespective of when the planning application was submitted. The above rates shall be fixed from 1st January 2021 to 31st December 2021.

Indexation in accordance with the Chartered Surveyors of Ireland Construction Tender Price Index will apply annually on 1st January, effective from 1st January 2022. Having regard to

economic or other circumstances and, it may be considered appropriate not to apply this indexation for any year(s).

Note 2: The floor area of proposed development shall be calculated as the gross floor area (GIA). This means the area ascertained by the internal measurement of the floorspace on each floor of a building (including internal walls and partitions), including mezzanine floors. This area is provided by the applicant on the statutorily prescribed planning application form which is subject to technical verification by the Planning Authority.

Note 3: Extensions *permitted* to existing developments will be charged at the above rates, subject to circumstances where an exemption or reduction applies, as per below.

CONTRIBUTION IN LIEU OF PUBLIC OPEN SPACE – Tallaght Local Area Plan Lands

10. The Tallaght Local Area Plan provides for a minimum of 10% of the gross site area to be dedicated for use as public open space within any proposal for development which shall be of a high quality and integrated into an overall interconnected network of public open space and green routes. Where public open space requirements cannot be met on site in full, or partially, because the site is considered by the planning authority to be too small or inappropriate (because of site shape, context or general layout) to fulfil a useful open space/amenity purpose, the Tallaght Local Area Plan provides 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. This contribution in lieu shall be levied at the rate of **€7,500,000 per hectare** of open space required, or on a pro rata basis of the public open space not provided on site. This contribution in lieu will be used towards the provision of public open space, and/or to South Dublin County Council improvements to an existing park and/or enhancement of amenities in the area unless as otherwise agreed with the planning authority.

CIRCUMSTANCES WHERE NO CONTRIBUTION OR A REDUCED CONTRIBUTION APPLY

11. 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:

- (i) The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
- (ii) Social housing units shall be exempt including:

- Those which are provided in accordance with an agreement made under Part V of the Act.
 - Those which are provided by an Approved Housing Body or Voluntary Housing Body, which is recognised as such by the Council.
 - Those which are built by, or on behalf of, the Council.
- (iii) Affordable housing units delivered by the Council are not exempt as a matter of course, however, the Council may consider exempting delivery of Council affordable housing on a case by case basis and as agreed by the Council.
- (iv) Development consisting of sheltered or supported accommodation for homeless persons, sheltered housing schemes for vulnerable groups such as the elderly, disabled and persons with mental health issues provided by voluntary or not-for-profit non-statutory groups that are recognised by the Council as such, shall be exempt.
- (v) There will be 50% reduction in the non-residential rate for developments in Village Centre areas. To be considered for the reduced rate the proposed development must be in an area zoned as a Village Centre in the County Development Plan and comply with the qualifying conditions specified by the local authority in the application process.
- (vi) Car parking assessed as being necessary to the proposed development, and generally in line with County Development Plan standards, whether surface or non-surface, shall be exempt.
- (vii) Car parking assessed as being in excess of County Development Plan standard requirements to the proposed development, will be charged at 50% of the non-residential rate on a per space basis.
- (viii) Vehicle display area spaces (for the purposes of sale) shall be charged at 10% of the non-residential rate on a per space basis. Open storage/hard surface non-residential space development (uncovered storage space), including forecourt development, but not *car-parking or truck parking* – shall be charged at 10% of the non-residential rate. In the interests of clarity these areas relate to the specific area where the goods/vehicles are stored and not to turning areas, internal access routes within site, etc. (in the event of buildings being subsequently developed on the same area, the credit to be given against the assessment of the new building will be the monetary amount previously paid).
- (ix) Non-fee paying primary and secondary schools shall be exempt, except in circumstances where, as a result of the development, exceptional costs not covered by the Scheme are incurred by the Council, resulting in the necessary provision of a specific public infrastructure or facility. (The works may be

specified in the planning conditions when special development contributions are levied.)

- (x) Not for profit childcare facilities shall be exempt.
- (xi) Development consisting of drug treatment and rehabilitation services and drug education/prevention services for which permission was applied for and is to be operated by not for profit community-based providers shall be exempt.
- (xii) Development by a registered charity for non-profitable development shall be exempt from the requirement to pay a planning application fee, in accordance with Article 157 of the Planning and Development Regulations 2000 (as amended), shall be exempt. The exemption is stated below; *Development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—*
 - *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 mainly for profit or gain,*
 - *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.*
- (xiii) Development in receipt of a disabled person's grant shall be exempt.
- (xiv) Agricultural buildings used for agricultural purposes by persons primarily engaged in farming shall be exempt.
- (xv) 50% reduction in non-residential rate for buildings ancillary to Horticultural developments; i.e. developments associated with the processing, distribution, supply or sale of fruit, vegetables, food or any agriculture or market gardening products, carried out by persons other than those that are primarily engaged in farming.
- (xvi) Renewable energy development with a capacity up to 0.5MW will be exempt. Larger capacity development will be charged at €1,000 per each 0.1MW above an installed capacity of 0.5MW.
- (xvii) The non-built elements of recreational facilities (e.g. Playing pitches, golf courses) shall be exempt.
- (xviii) Signage, shop fronts, entrance gates, railings, fencing, elevational alterations shall be exempt.
- (xix) Internal layout alterations where no additional floor area is created and external walls are not being removed shall be exempt.

- (xx) Power lines, antennae structures, sewers, drainage, road construction, provision of infrastructural facilities shall be exempt.
- (xxi) Bus Shelters shall be exempt.
- (xxii) Substations, Switch Rooms shall be exempt.
- (xxiii) Ancillary plant rooms (where plant is not core activity/operation) shall be exempt.
- (xxiv) Development involving permitted works to Protected Structures, including extension of floor areas or change of use (subject to (xxvi) below), shall be subject to a 30% reduction on the applicable rate of contribution.
- (xxv) Revisions / Modification to a permitted development: An application for permission for modification / revision to a permitted development, including a change of house type or amendment to a site layout will, where material, be treated as an independent / separate permission for development, and will be assessed on the full proposal for the floor area permitted in such a permission, at the rate of development contributions in operation on the date of the decision to grant permission. The contribution payable at commencement will be based on the permission implemented, i.e. the original permission or the revised proposal (updated in accordance with the relevant index).
- (xxvi) Change of use: In respect of a permission for change of use, where development contributions were paid in respect of the former use the contribution payable on the new use will be net of the quantum of development previously paid for. Where a contribution was not previously paid or the original development was carried out before 1963 it shall be treated in its entirety as new development and assessed accordingly. 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 to expedite assessment and avail of this exemption.
- (xxvii) 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 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. Agents / applicants should provide evidence of prior payment at application stage to expedite assessment and avail of this exemption.

(xxviii) Developments permitted by way of a single permission of a temporary duration or cumulative temporary permissions of not greater than 5 years in total, shall be exempt. Subsequent permissions which cause the total duration to exceed 5 years will be assessable for the purposes of applying development contributions.

12. For clarification purposes, the following development will not be exempt from the requirement to pay development contributions.

- Third level educational institutions.
- Student accommodation.
- Fee paying Schools; and
- Private medical facilities including private hospitals, medical facilities, primary care centres and similar developments including any ancillary buildings.

13. No reductions in whole or in part shall apply to permissions for retention of development.

PAYMENT OF CONTRIBUTION

14. Conditions requiring payment of the contributions provided for in the Scheme will be imposed in all decisions to grant planning permission made following the making of the Scheme by the Council. The operative date of the scheme is from 1st January 2021.

15. The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, subject to the provisions of Note I to the table at Article 9 above.

16. 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.

17. 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. The Council, furthermore, may initiate enforcement action under the Planning & Development Acts in respect of unpaid development contributions.

18. Where applicable, connections to drainage (surface water) services may 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.

19. Where a letter / certificate of compliance with the development contribution condition is required, reference will be made to the payment of contributions as applicable to the development in question. If contributions have not been paid or if an agreed schedule of payments has been made but has not been honored, a report on compliance will refer to these facts. In the case of applicable residential developments, the compliance report will also refer to compliance with condition(s) requiring the lodgment of security for the completion of services in the related development.

APPEAL TO AN BORD PLEANÁLA

20. An appeal may be brought to An Bord Pleanála 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. This scheme is effective from 1st January 2021 until 31st December 2025 unless a new scheme is made in the interim. The Council may need to review this scheme once the new County Development Plan (2022 – 2028) has been adopted as this new plan may identify changes that should be made to this scheme.

SPECIAL DEVELOPMENT CONTRIBUTIONS

22. A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by this Scheme are incurred by the Council in the provision of a specific public infrastructure or facility. (The 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.

23. The intention is for the final scheme to come into effect, in respect of permissions granted, from 1st January 2021.

APPENDIX I

TABLE A - COSTS INCLUDED IN THE SCHEME To be updated when final list and costs agreed

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

	Total Projected Costs	Contributions Required	Contributions Allocated	% Contributions Allocated	Funding Gap
Class 1: Transport infrastructure & facilities	€49,426,963	€36,415,904	€32,979,264	26.63	€3,436,640
Class 2: Surface Water & Environment infrastructure and facilities	€20,737,776	€15,278,804	€13,836,913	11.17	€1,441,891
Class 3: Community facilities and amenities	€41,250,000	€30,391,429	€27,523,330	22.22	€2,868,099
Class 4: Parks and open space facilities and amenities	€39,014,222	€28,744,193	€26,031,547	21.02	€2,712,646
Class 5: Economic Enterprise & Tourism Development including Libraries	€35,175,000	€25,915,601	€23,469,894	18.95	€2,445,706
Total	€185,603,961	€136,745,931	€123,840,949	100%	€12,904,982

TABLE B – PROJECTED DEVELOPMENT

Units of projected residential development (averaged at 100 square metres) and projected industrial/commercial development (in the years 2021 to 2025):-

<u>Residential</u>	<u>Non-residential</u> <u>(Commercial, Industrial and Other)</u>
9857 units	294,000

APPENDIX II – PROJECT LIST

CLASS 1 - Transport infrastructure & facilities

- Celbridge Link Road
- Public Lighting structural repairs
- Tallaght Transport Interchange/Tallaght Mobility Hub
- Belgard to Outer Ring Road
- Belgard Road to Airton Link Road (Airton Road Extension)
- Belgard Civic Plaza
- Belgard Civic Square & Pedestrian Link
- County wide cycle links & upgrades
- R120 Adamstown Road Improvement Scheme
- Firhouse Road IV stage 2
- Clonburris SDZ roads and bridges
- Junction upgrades in Ballycullen

CLASS 2 - Surface Water & Environment infrastructure & facilities

- Surface Water – Whitechurch Stream Flood Alleviation
- Water Quality Infrastructure – Wetlands LIFE
- Corkagh Grange Pumping Station/Access Road
- Owendoher Flood Relief Works
- Surface Water Network upgrade – Pluvial Flood Risk
- Arthurstown Renewable Energy Project
- Electric Vehicle Infrastructure Projects
- Clonburris SDZ Surface Water

CLASS 3 – Community Facilities and amenities

- Lucan Swimming Pool
- Adamstown Community facilities
- Fettercairn Horse Project Indoor arena
- Sports Hubs
- County wide Community Facilities Refurbishment / Upgrades
- Clonburris SDZ Community Facilities
- Provision of new community facilities
- National Disability Accessibility Works
- Fortunestown Local Area Plan Community Facilities
- Lucan Demesne Sports
- Jobstown (Kiltalown) All Weather Pitch Refurb
- Tallaght Local Area Plan Community Centre
- Kishogue Community Facility

CLASS 4 – Parks & Open Space facilities and amenities

- Pavilion Programme
- Tandy's Lane Park
- Airlie Park

- N81 Improvement Scheme
- Parks Boundary Improvements
- Corkagh Park Study Implementation
- Interpretation, signage & branding programme
- Landscape Improvements approach roads
- Sean Walsh Park Bowling Green
- Upgrade presentation of Parks (Entrances, carparks and access points)
- MUGA programme
- Implementation of Existing Tennis Courts review
- Jobstown Park Masterplan (including BMX)
- Butler McGee Park
- Griffeen Park
- Killinarden Park green link and main park redesign
- Phase 2 of Kiltipper Park (facilities and enhancements)
- Lucan Demesne
- Further phases of Dodder Greenway including Balrothery Weir enhancement
- Dodder Valley Mt Carmel Phase 3
- Camac Greenway
- Upgrade of Plaza at Clondalkin Civic Offices
- Rewilding of Parks
- Tree Canopy Study implementation
- Urban Woodland pilot project
- Green Infrastructure Strategy implementation
- Parks and Open Spaces Strategy implementation
- SUDS Guidelines Parks Implementation
- Pollinator Plan projects
- Sports Pitch Strategy – Implementation
- Parks Facilities provision and upgrades – 5-year programme
- Playspace refurbishment and implementation programme
- Green Route programme
- Rathcoole Park
- Tymon Park Intergenerational Facility
- Clonburris SDZ Parks and Open Space

CLASS 5 – Economic Enterprise, Tourism Development including Libraries

- Dublin Mountains Development
- Canal Cycle Loop
- Lucan Urban Renewal
- Tallaght Stadium North Stand (4th Stand)
- Dublin Mountains Trail
- North Clondalkin Library
- Dublin West Library (Rathcoole)
- Mobile Library
- Clondalkin Village Renewal