

***Comhairle Cathrach Chorcaí  
Cork City Council***



***General Development Contribution  
Scheme  
2017-2021  
&  
Supplementary Development Contribution  
Scheme - 2017-2021***

(under Section 48 and Section 49, Planning and Development Act, 2000 as amended)

As adopted by Council on 28<sup>th</sup> November 2016

# *INDEX*

		<b>Page</b>
<b>SECTION 1</b>	<b>Development Contribution Scheme</b>	<b>3</b>
	<b>1.1 Introduction</b>	
	<b>1.2 Definitions</b>	
	<b>1.3 Basis for Determination of Contribution</b>	
	<b>1.4 Calculation of Contribution</b>	
	<b>1.5 Level of Contribution</b>	
	<b>1.6 Exemptions &amp; Reductions</b>	
	<b>1.7 Retention Permissions</b>	
	<b>1.8 Maximum Reduction/Exemption</b>	
	<b>1.9 Payment of Contribution</b>	
	<b>1.10 Special Development Contributions</b>	
	<b>1.11 Appeal to An Bord Pleanála</b>	
	<b>1.12 Allocation of Monies</b>	
	<b>1.13 Term of Scheme</b>	
	<b>1.14 Review of Scheme</b>	
<b>SECTION 2</b>	<b>Supplementary Development Contribution Scheme</b>	<b>13</b>
	<b>2.1 Introduction</b>	
	<b>2.2 Definitions</b>	
	<b>2.3 Project</b>	
	<b>2.4 Area of the Supplementary Scheme</b>	
	<b>2.5 Basis for Determination &amp; Calculation of Contribution</b>	
	<b>2.6 Level of Contribution</b>	
	<b>2.7 Manner of Payment</b>	
	<b>2.8 Exemptions &amp; Reductions</b>	
	<b>2.9 Retention Permission</b>	
	<b>2.10 Maximum Reduction/Exemption</b>	
	<b>2.11 Payment of Contribution</b>	
	<b>2.12 Appeal to An Bord Pleanála</b>	
	<b>2.13 Term of the Supplementary Scheme</b>	
	<b>2.14. Review of the Supplementary Scheme</b>	
<b>Appendix I</b>	<b>Project Costs</b>	<b>22</b>
<b>Appendix 2</b>	<b>City Centre Map</b>	<b>23</b>

# Section 1: Development Contribution Scheme

## 1.1 Introduction

Section 48 (1) of the Planning and Development Act, 2000 as amended enables a planning authority, when granting a planning permission under Section 34 of the Act, to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided, or that 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).

Section 48 (2) provides for the making of a scheme and provides that a planning authority may make one or more schemes in respect of different parts of its functional area.

Section 48 (3) 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.

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.

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.

Subsection (15)(a) of the Planning and Development Act 2000 as amended , specifies that a planning authority may facilitate the phased payment of contributions under Section 48 and may require the giving of security to ensure payment of contributions.

## 1.2 Definitions

Section 48 of the Planning and Development Act, 2000, as amended ("the Act") gives the following meaning to "public infrastructure and facilities" -

- (a) the acquisition of land,*
- (b) the provision of open spaces, recreational and community facilities and amenities and landscaping works,*
- (c) the provision of roads, car parks, car parking places, sewers, waste water and water treatment facilities, service connections, flood relief work and watermains,*

- (d) the provision of bus corridors and lanes, bus interchange facilities (including car parks for these facilities) infrastructure to facilitate public transport, cycle and pedestrian facilities, and traffic calming measures,*
- (e) the refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, sewers, waste water and water treatment facilities, service connections , or watermains,*
- (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)*

Notwithstanding the above definitions, with effect from 1st January 2014, responsibility for public water and wastewater services has been transferred to Irish Water. In accordance with Section 21 of Water Services (No. 2) Act 2013, Irish water are empowered to levy connection/supply charges in respect of these services. Development charges in respect of water and wastewater facilities are no longer applied by Cork City Council. Management of stormwater remains a responsibility of Cork City Council and provision for contributions towards investment in this infrastructure is included in the current scheme.

### **1.3 Basis for Determination of Contribution**

The basis for the determination of a contribution under the Cork City Council Development Contribution Scheme 2017-2021 (“the Scheme”) is as follows:

- (a) the amount of the actual estimated costs which are attributable in the years up to and including 2021, of providing public infrastructure and facilities (listed in the Table 1 below and Appendix I attached) but excluding any benefit which accrues in respect of existing development (i.e. the eligible cost).
- (b) the aggregated floor areas in square metres of existing development and probable development ( as set out in the General Development Contribution Scheme 2017-2021 in respect of residential and non-residential development (set out in Table 2 below)(i.e. the relevant floor space) and Class 2 amended for that as stated in section 1.2a above.
- (c) the development contributions payable per square metre of residential and/ or non residential development, are determined by dividing the eligible cost by the relevant floor space. The results are given in the Table 3 below .

#### 1.4 Calculation of Contribution

In determining the contributions in accordance with the Scheme, regard has been given to the actual estimated cost of providing the classes of public infrastructure and facilities set out in Table 1.

**Table 1: Estimated costs attributable in the years up to and including 2021 in providing the following classes of public infrastructural development**

<b>Classes of Public Infrastructural Development</b>	<b>€</b>
Class 1 – Roads, transportation infrastructure and facilities	€404,350,000 (66.71%)
Class 2 – Stormwater Management	€10,600,000 (1.75%)
Class 3 – Parks, recreation, amenity and community facilities	€191,200,000 (31.54%)
<b>Total</b>	<b>€606,150,000</b>

**Table 2: Existing & Probable Development**

<b>Development per square metre</b>	<b>Residential</b>	<b>Non Residential</b>	<b>Total</b>	<b>% of total dev</b>
Existing development to date	5,451,044	4,948,010	10,399,054	90.4%
Probable development 2016 – 2021	937,530	166,522	1,104,052	9.6%
<b>Total</b>	<b>6,388,574</b>	<b>5,114,532</b>	<b>11,503,106</b>	<b>100%</b>

Both existing developments (10,399,054 sqm) and probable development of (1,104,052 sqm ) will accrue a benefit from the provision of the infrastructural projects set out in Table 1.

However, any benefit which accrues in respect of existing development (90.4%) must be excluded in calculating the development contributions to be levied under the scheme. Therefore, the portion of the project costs of €606.15m being allocated to probable development is €58.2m (9.6 %).

Accordingly, the charges to be levied are calculated by dividing the eligible project costs of €58.2m by the amount of development which is projected to occur (1,104,052 sqm) during the lifetime of the Scheme.

### 1.5 Level of Contribution

In accordance with the Act, the Council will determine and levy the development contributions set out in Table 3\* as a condition of planning on all Development except where an Exemption or Reduction (outlined in Table 5) applies.

**Table 3: Development Contributions for residential and / or non-residential development per square metre floor area in Euro**

<b>Class</b>	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Total</b>
<b>€ per square metre</b>	<b>€35.16</b>	<b>€0.92</b>	<b>€16.62</b>	<b>€52.70</b>

Note 1 : Classes of Public Infrastructural Development :

Class 1 Roads, transportation infrastructure and facilities
Class 2 Stormwater management infrastructure and facilities
Class 3 Parks , recreation , amenity and community facilities

Note 2: The rates of contribution will be subject to indexation and will be updated on a quarterly basis\* in line with the Consumer Price Index as published by the Central Statistics Office. During the lifetime of the Scheme, contributions shall be payable at the index adjusted rate pertaining to the quarter of the year in which implementation of the planning permission is commenced. The Council will publish on a quarterly basis the revised (indexed) schedule of contributions on the Council's Website. Quarterly periods will correspond to: Jan – March inclusive; April – June inclusive; July – September inclusive; October – December inclusive.

The rates of contribution in the Development Contribution Scheme adopted in previous schemes are also subject to indexation and will, once this scheme is adopted, be updated on a quarterly basis in line with the Consumer Price Index as published by the Central Statistics Office.

Note 3: The floor area of the proposed development (with the exception of items identified in Table 4) shall be calculated as the gross internal floor area of all relevant floorspace. Gross internal floor area is measured from the internal

measurement of the floorspace on each floor of the building and includes internal walls, partitions, passages, storage areas, voids etc. Table 4 identifies additional areas that are subject to contribution.

**Table 4: Additional areas that are subject to a contribution**

<b>Carport/ Undercroft</b>
Any development that has a carport/ undercroft (or other similar structure excluding bus shelters) will have the entire area comprising of the carport/ undercroft (or other similar structure) and covered by the roof/ ceiling/ other similar structure included in the area used for the calculation of the contribution
<b>Building on Stilts or Partially on stilts</b>
Any development that consists of a building on stilts or partially on stilts (or similar structure) will have the entire usable (i.e. greater than 1.8 m) area under the building (or other similar structure) and covered by the roof/ ceiling/ other similar structure included in the area used for the calculation of the contribution.
<b>Basement/ Underground Parking/ Service Areas</b>
Any development having a basement/ underground parking/ service areas (or similar structure) will have the area of the basement/ underground parking/ service areas (or similar structure) and covered by the roof/ ceiling/ other similar structure included in the area used for the calculation of the contribution
The area to be included for the calculation of the contribution will include the area of any ramp leading into the basement/ underground parking/ service areas that is covered by a roof/ ceiling/ other similar structure
If the basement/ underground parking consists of more than one level, then the area of each level will be included for the calculation of the contribution.
<b>Overhangs (including balconies)</b>
Any structure (including balconies) having an overhang in excess of 600mm will have the entire area under the overhang included in the area used to calculate the contribution

## 1.6 Exemptions and Reductions

The Council applies the following exemptions or percentage reductions in respect of the categories set out in Table 5 below (also subject to paragraph 1.8 and paragraph 1.9):

**Table 5: % Reductions in respect of specified categories of development**

<b>Categories</b>	<b>Reduction</b>
<b>5.1</b> Provision of facilities by organisations which are considered to be exempt from planning fees as outlined in Part 12, Article 157 of the Planning and Development Regulations 2001 as amended, except where specified below.*	100%
<b>5.2</b> Voluntary organisations or voluntary/ co-operative housing bodies as outlined in Part 12 Article 157 (2) of the Planning and Development Regulations 2001 as amended **	100%
<b>5.3</b> Social housing units, including those provided, in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended by the Planning and Development (Amendment) Act 2002) or which are provided by a voluntary or co-operative housing body which is recognized as such by the Council	100%
<b>5.4</b> Affordable housing units provided, in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended by the Planning and Development (Amendment) Act 2002) or which are provided by a voluntary or co-operative housing body which is recognized as such by the Council or as part of the Government's various Affordable Housing Schemes	50%
<b>5.5</b> Non-fee paying primary schools and secondary schools	100%
<b>5.6</b> Not for profit , community-run childcare facilities	100%
<b>5.7</b> Protected structures excluding ancillary new development where additional services are availed of	100%
<b>5.8</b> Extensions of up to 50% increase in original building size of protected structures in the city centre (as defined by attached map – Appendix 2).	100%
<b>5.9</b> In the case of a change of use, where, in the opinion of the Planning Authority, the intended use constitutes a substantial intensification of use or is likely to increase demands on services, development contributions will be levied on the basis of 25% of the	75%



rate to be applied. (This may be subject to documentary proofs being furnished to the satisfaction of the Council. The burden of proof rests with the applicant / developer.)	
<b>5.10</b> In the case of a change of use, where in the opinion of the Planning Authority, the intended use does not constitute a substantial intensification of use or is <u>unlikely to increase demands on services</u> , development contributions will <b>not</b> be levied. (This may be subject to documentary proofs being furnished to the satisfaction of the Council. The burden of proof rests with the applicant / developer	100%
<b>5.11</b> Permission where a change of use is granted and the original permitted use was never executed	100%
<b>5.12</b> Permission for a change of use relating to a protected structure	100%
<b>5.13</b> Permission for change of use/refurbishment of properties in the city centre (as defined by attached map – appendix 2).	100%
<b>5.14</b> Masts and antennae, dish and other apparatus/equipment for communication purposes that form part of the National Broadband Scheme ( NBS) as defined by the Department of Communications, Energy and Natural Resources ( DCENR)	100%
<b>5.15</b> Renewable energy development with a capacity up to 0.5MW. (Larger capacity development will be charged at €1,000 per each 0.1MW above an installed capacity of 0.5MW).	100%
<b>5.16</b> Development by persons in receipt of a disabled persons grant from the Council	100%
<b>5.17</b> Temporary permissions up to 3 years***	67%
<b>5.18</b> Temporary permissions up to 5 years ***	50%
<b>5.19</b> Temporary permissions up to 10 years***	34%
<b>5.20</b> Where a temporary permission existed immediately prior to the grant of a permission and where a contribution was payable in accordance with a condition of the temporary permission and relates to the same use and the same area. Any additional area will be subject to a contribution	100%
<b>5.21</b> Temporary Seasonal permissions in use for 12 weeks or less per calendar year.	100%
<b>5.22</b> Extensions to the family home **** (where the applicant has	100%

confirmed in the Supplementary Planning Application form that the residence & proposed extension are the family home)	
<p><b>5.23</b> Where part of a habitable house or other single residential unit (e.g. duplex or apartment unit) is demolished in connection with the provision of an extension and / or other alterations or modifications, an exemption of 100% will apply to the first 40 square metres (only one exemption will apply. Where a property has benefitted from this reduction, subsequent extension over and above 40 square metres will be charged at the applicable rate).</p>	100%
<p><b>5.24</b> Proportionate reduction in respect of demolition will be allowed. Appropriate reductions in respect of demolition will be allowed excluding structures exempt from contributions. Demolition must be necessary to facilitate the proposed development.</p>	
<p><b>5.25</b> First time buyers purchasing dwellings (other than affordable dwellings where a 50% reduction applies) not exceeding 108 square metres, will be entitled to a refund of 64% of the General Development Contributions applicable.</p> <p>The refund will be payable to the purchaser ( owner/occupier) on the occupation of the dwelling and be subject to sufficient proofs being furnished to the satisfaction of the Council</p>	

\* " Where a planning application consists of development 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 purpose 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".*

(This 100% reduction to the payment of development contributions **will not apply** to:

- Third level educational institutions and student accommodation.
- Fee paying schools.
- Hospitals and similar developments.

\*\* " Where a planning application consists of or comprises the provision of houses, or development ancillary to such provision, which is proposed to be carried out by or on behalf of a Body approved for the purposes of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) and is not to be used mainly for profit or gain,"

*Where an existing residential unit is converted to apartments or flats, charges will be levied based on the amount of the additional floor space (square metres) to be provided.*

*\*\*\* Subsequent similar temporary planning permission to be charged full rate of development contributions.*

*\*\*\*\* "the family home" means the permanent private residence of the applicant.*

### **1.7. Retention Permissions**

In the case of retention permissions, no allowance/reductions shall apply.

### **1.8. Maximum Reductions/Exemption.**

Although a development may qualify for a number of reductions/exemptions under the Scheme, the Council will grant only one category of reduction/exemption, whichever is the most financially advantageous to the applicant.

### **1.9 Payment of Contribution**

Conditions requiring payment of the contributions provided for in the Scheme will be imposed in all decisions to grant planning permission made following the adoption of the Scheme by the Council.

Contributions under the Scheme shall be payable prior to the commencement of development or as agreed by the Council. During the lifetime of the Scheme, contributions shall be payable at the index adjusted rate pertaining to the quarter of the year in which implementation of the planning permission is commenced. The Council will publish on a quarterly basis the revised (indexed) schedule of contributions on the Council's website.

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.

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 the Scheme. Furthermore, the Council may instigate enforcement proceedings under the Act in respect of unpaid development contributions and all associated costs and fees.

### **1.10 Special Development Contributions**

A special contribution may be imposed under Section 48 of the Act where exceptional costs, not covered by the Scheme, are incurred by the Council in the provision of a specific infrastructure or facility (the particular works will be specified in the planning conditions when special contributions are levied).

Only developments which 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 the An Bord Pleanála (“the Board”).

### **1.11 Appeal to An Bord Pleanála (“the Board”)**

An appeal may be brought to the Board where the applicant for planning permission under Section 34 of the Act considers that the terms of the Scheme have not been properly applied in respect of any conditions laid down by the Council (see section 48(10) of the Act).

### **1.12 Allocation of Monies**

Monies accruing to the Council, in respect of contributions levied under the Scheme shall only be applied as capital for public infrastructure and facilities and will be accounted for in a separate account. The Council’s Annual Report (Section 50 of the Local Government Act 1991) shall contain details of all such monies owed, paid and spent.

### **1.13 Term of the Scheme:**

The Council has used the remaining lifetime of the Cork City Development Plan 2015-2021 plus 6 months thereafter as the term of the Scheme. The scheme will be implemented following its adoption by the Council and will cease, unless a new scheme is made beforehand, in 2021, 6 months after the Cork City Development Plan 2015 – 2021 has expired.

### **1.14 Review of Scheme**

The Scheme may be reviewed from time to time by the Council having regard to circumstances prevailing at the time. After a review of the Scheme, a new scheme may be made. The review of the implementation of the Scheme will be included in the Chief Executive’s progress report, on securing the objectives of the Development Plan.

## **Section 2: Supplementary Development Contribution Scheme**

### **2.1 Introduction**

Section 49 (1) of the Planning and Development Act 2000, as amended, enables a planning authority when granting a permission under section 34 of the Act, to include conditions requiring the payment of a contribution in respect of any public infrastructure service or project, as defined in the Act and specified in a Supplementary Development Contribution Scheme provided or carried out or proposed to be provided or carried out by a Planning Authority, that will benefit the development to which the permission relates when carried out.

Section 49 requires that the Supplementary Development Contribution Scheme specifies:

- the public infrastructure project or service and
- the area or areas to which the scheme relates.

A scheme may make provision for the payment of different contributions in respect of different classes or descriptions of development and shall state the basis for determining the contributions to be paid.

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.

### **2.2 Definitions**

Section 49 (7) of the Planning and Development Act 2000, as amended ("the Act") gives the following meaning to "public infrastructure or service"-

- (a) the provision of particular rail, light rail or other public transport infrastructure, including car parks and other ancillary development,*
- (b) the provision of particular new roads*
- (c) the provision of particular new sewers, wastewater and water treatment facilities, service connections or watermains and ancillary infrastructure,*
- (d) the provision of new schools and ancillary infrastructure, the subject of this Supplementary Development Contribution Scheme.*

### **2.3 Project**

The project consists of works and the provision of rolling stock associated with :

- Re-opening of and operation of suburban rail services on the Cork to Midleton line.
- Provision of new rail services between Blarney and Cork (some to continue to Mallow).
- Upgrading of rolling stock and frequency on the Cobh rail line as demand increases.

Within the city, the main elements of the project are the re-opening of Kilbarry Rail Station and the refurbishment/realignment of the Central (Kent) Station.

The project was supported by the Feasibility Study on the Cork Suburban Rail Project by Faber Maunsell (for Iarnród Éireann) and the (National) Strategic Rail Review carried out by Booz Allen Hamilton. Both saw it as good value for money and referred to Section 49 as a potential source of funding. The report costs the project at €115 to €124 million (€120 million has been used in the calculation of the supplementary development contributions).

## 2.4 Area of the Supplementary Development Contributions Scheme

The scheme applies to areas which are :

- Within a 1 kilometre corridor of the Cork – Blarney, Cork – Cobh and Cork – Midleton railway lines (excluding tunnel section) , (the disused ) Kilbarry Railway Station , and Kent Railway Station, in so far as they are situated within the functional area of Cork City Council (i.e. Cork City).

## 2.5 Basis for Determination & Calculation of Contribution

This supplementary scheme was adopted by the Council in 2004, 2009, 2013 and 2015. As the project is still ongoing it is proposed to continue the scheme as previously adopted with the rates of contribution being the same as that which was adopted originally but updated by CPI as provided for in the scheme. The charges to be levied are based on the actual estimated costs of the project (Cork Suburban Rail), excluding any benefit that accrues in respect of existing development.

## 2.6 Level of Contribution

In accordance with the Act, Cork City Council (“the Council”) will determine and levy the contributions set out in Table 2\* as a condition of planning on all Development except where an Exemption or Reduction (outlined in Table 4) applies.

**Table 2: Level of Contributions Payable:**

<b>Development Type</b>	<b>Unit</b>	<b>Rate €</b>
Residential within 1 km of rail line/ station	Square metre	9.98
Retail, within 500 metres of the rail line/ station.	Square metre	19.94
Office and other non residential development ( excl. retail) within 1 km of the rail line/ station.	Square metre	19.94

*\*These rates have been updated from the 2009 – 2016 Supplementary Development Contributions Scheme ( January 2009) and will apply with effect from the making of the Supplementary Development Contribution Scheme 2016 - 2021 ( "the Scheme"). Rates shall be subject to indexation as set out at note below.*

Note 1: The rates of contribution will be subject to indexation and will be updated on a quarterly basis\* in line with the Consumer Price Index as published by the Central Statistics Office. During the lifetime of the scheme, contributions shall be payable at the index adjusted rate pertaining to the quarter of the year in which implementation of the planning permission is commenced. The Council will publish on a quarterly basis the revised (indexed) schedule of contributions on the Council's Website. Quarterly periods will correspond to: Jan – March inclusive; April – June inclusive; July – September inclusive; October – December inclusive.

The rates of contribution in the previous Supplementary Development Contribution Schemes are subject to indexation and once the Scheme is adopted, will be updated on a quarterly basis in line with the Consumer Price Index as published by the Central Statistics Office.

Note 2: The floor area of the proposed development (with the exception of items identified in Table 4) shall be calculated as the gross internal floor area of all relevant floorspace. Gross internal floor area is measured from the internal measurement of the floorspace on each floor of the building and includes internal walls, partitions, passages, storage areas, voids etc. Table 3 identifies additional areas that are subject to contribution.

Note 3: The distances set out in Table 2 are measured from the edge of the proposed site.

Note 4: For the purpose of this contribution scheme the 'office' type development shall include : office based industry, banks, third level education, hospitals & surgeries and 'retail type' uses shall include restaurants, bars and retail services.

**Table 3: Additional areas that are subject to a contribution**

<b>Carport/ Undercroft</b>
Any development that has a carport/ undercroft (or other similar structure excluding bus shelters) will have the entire area comprising of the carport/ undercroft (or other similar structure) and covered by the roof/ ceiling/ other similar structure included in the area used for the calculation of the contribution
<b>Building on Stilts or Partially on stilts</b>
Any development that consists of a building on stilts or partially on stilts (or similar structure) will have the entire area under the building (or other similar structure) and covered by the roof/ ceiling/ other similar structure included in the area used for the calculation of the contribution
<b>Basement/ Underground Parking/ Service Areas</b>
Any development having a basement/ underground parking/ service areas (or similar structure) will have the area of the basement/ underground parking/ service areas (or similar structure) and covered by the roof/ ceiling/ other similar structure included in the area used for the calculation of the contribution
The area to be included for the calculation of the contribution will include the area of any ramp leading into the basement/ underground parking/ service areas that is covered by a roof/ ceiling/ other similar structure
If the basement/ underground parking consists of more than one level, then the area of each level will be included for the calculation of the contribution
<b>Overhangs (including balconies)</b>
Any structure (including balconies) having an overhang in excess of 600mm will have the entire area under the overhang included in the area used to calculate the contribution

## **2.7 Manner of Payment**

Under the Act, the project or public infrastructure services may be provided or carried out by the Council or by any other person, pursuant to an agreement between them and the Local Authority.

Therefore, the Council will levy and collect the contributions, which will be transferred with accumulated interest to the Rail Procurement Agency (or any other Organisation designated by the Government) to carry out the Project, once an agreement under Section 49(4) of the Act has been concluded and substantial works on the rail project have begun. Pending this, all monies collected by the Council under the Scheme will be retained and invested. Subsequent contributions will then be transferred as agreed with the Rail Procurement Agency.



If no substantial works have been carried out or commenced within 10 years, following the date of receipt of the supplementary contribution by the Council, the contribution will be returned with interest to the developer.

## 2.8 Exemptions and Reductions

Section 48 (3) (c) of the Act states “*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*”.

The Council applies the following exemptions or percentage reductions in respect of the categories set out in Table 4 below (also subject to paragraph 2.9 and paragraph 2.10 ):

**Table 4:% Reductions in respect of specified categories of development**

Categories	Reduction
<b>4.1</b> Provision of facilities by organisations which are considered to be exempt from planning fees as outlined in Part 12, Article 157 of the Planning and Development Regulations 2001 as amended, except where specified below.*	100%
<b>4.2</b> Voluntary organisations or voluntary/ co-operative housing bodies as outlined in Part 12 Article 157 (2) of the Planning and Development Regulations 2001 as amended **	100%
<b>4.3</b> Social housing units, including those provided, in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended by the Planning and Development (Amendment) Act 2002) or which are provided by a voluntary or co-operative housing body which is recognized as such by the Council	100%
<b>4.4</b> Affordable housing units provided, in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended by the Planning and Development (Amendment) Act 2002) or which are provided by a voluntary or co-operative housing body which is recognized as such by the Council or as part of the Government’s various Affordable Housing Schemes	50%
<b>4.5</b> Non – fee paying primary schools and secondary schools	100%

<b>4.6</b> Not for profit , community – run childcare facilities	100%
<b>4.7</b> Protected structures excluding ancillary new development where additional services are availed of	100%
<b>4.8</b> Extensions of up to 50% increase in original building size of protected structures in the city centre (as defined by attached map – Appendix 2).	100%
<b>4.9</b> In the case of a change of use, where, in the opinion of the Planning Authority, the intended use constitutes a substantial intensification of use or is likely to increase demands on services, development contributions will be levied on the basis of 25% of the rate to be applied. (This may be subject to documentary proofs being furnished to the satisfaction of the Council. The burden of proof rests with the applicant / developer.)	75%
<b>4.10</b> In the case of a change of use, where in the opinion of the Planning Authority, the intended use does not constitute a substantial intensification of use or is unlikely to increase demands on services, development contributions will not be levied. (This may be subject to documentary proofs being furnished to the satisfaction of the Council. The burden of proof rests with the applicant / developer)	100%
<b>4.11</b> Permission where a change of use is granted and the original permitted use was never executed	100%
<b>4.12</b> Permission for a change of use relating to a protected structure	100%
<b>4.13</b> Permission for change of use/refurbishment of properties in the city centre (as defined by attached map – appendix 2).	100%
<b>4.14</b> Masts and antennae, dish and other apparatus/equipment for communication purposes that form part of the National Broadband Scheme (NBS) as defined by the Department of Communications, Energy and Natural Resources (DCENR)	100%
<b>4.15</b> Renewable energy development with a capacity up to 0.5MW. (Larger capacity development will be charged at €1,000 per each 0.1MW above an installed capacity of 0.5MW).	100%
<b>4.16</b> Development by persons in receipt of a disabled persons grant from the Council	100%
<b>4.17</b> Temporary permissions up to 3 years***	67%
<b>4.18</b> Temporary permissions up to 5 years ***	50%

<b>4.19</b> Temporary permissions up to 10 years***	34%
<b>4.20</b> Where a temporary permission existed immediately prior to the grant of a permission and where a contribution was payable in accordance with a condition of the temporary permission and relates to the same use and the same area. Any additional area will be subject to a contribution	100%
<b>4.21</b> Temporary Seasonal permissions in use for 12 weeks or less per calendar year.	100%
<b>4.22</b> Extensions to the family home **** (where the applicant has confirmed in the Supplementary Planning Application form that the residence & proposed extension are the family home)	100%
<b>4.23</b> Where part of a habitable house or other single residential unit (e.g. duplex or apartment unit) is demolished in connection with the provision of an extension and / or other alterations or modifications, an exemption of 100% will apply to the first 40 square metres (only one exemption will apply. Where a property has benefitted from this reduction, subsequent extension over and above 40 square metres will be charged at the applicable rate).	100%
<b>4.24</b> Proportionate reduction in respect of demolition will be allowed. Appropriate reductions in respect of demolition will be allowed excluding structures exempt from contributions. Demolition must be necessary to facilitate the proposed development.	
<b>4.25</b> First time buyers purchasing dwellings (other than affordable dwellings where a 50% reduction applies) not exceeding 108 square metres, will be entitled to a refund of 64% of the General Development Contributions applicable.  The refund will be payable to the purchaser ( owner/occupier) on the occupation of the dwelling and be subject to sufficient proofs being furnished to the satisfaction of the Council.	

\* “ Where a planning application consists of development 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 purpose 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”.*

*(This 100% reduction to the payment of supplementary development contributions **will not apply** to:*

- *Third level educational institutions and student accommodation.*
- *Fee paying schools.*
- *Hospitals and similar developments.*

*\*\* " Where a planning application consists of or comprises the provision of houses, or development ancillary to such provision, which is proposed to be carried out by or on behalf of a Body approved for the purposes of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) and is not to be used mainly for profit or gain,"*

*Where an existing residential unit is converted to apartments or flats, charges will be levied based on the amount of the additional floor space (square metres) to be provided.*

*\*\*\* In the case where an original permitted development was not subject to supplementary development contributions for one or more development types listed in Table 2 and a subsequent change of use would result in supplementary development contributions for one or more development types listed in Table 2 applying, the full rate will apply for the relevant floor area under each type of development listed in Table 2.*

*For example: an original permission granted for retail within 1km of the rail line / station would not incur supplementary development contributions. The original permitted use was not implemented. A subsequent change of use was permitted from retail to office, which would incur supplementary development contributions. In this instance supplementary development contributions are applicable at the full rate for the relevant floor area involved.*

*\*\*\*\* Subsequent similar temporary planning permission to be charged full rate of supplementary development contributions.*

*\*\*\*\*\* "the family home" means the permanent private residence of the applicant*

## **2.9. Retention permissions**

In the case of retention permissions, no allowance/reductions shall apply.

## **2.10 Maximum Reductions/Exemption.**

Although a development may qualify for a number of Reductions/Exemptions under the Supplementary Development Contribution Scheme, the Council will grant only one category of reduction/exemption, whichever is the most financially advantageous to the applicant.

### **2.11 Payment of Contribution**

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.

Contributions under the Scheme shall be payable prior to the commencement of development or as agreed by the Council. During the lifetime of the Scheme, contributions shall be payable at the index adjusted rate pertaining to the quarter of the year in which implementation of the planning permission is commenced. The Council will publish on a quarterly basis the revised (indexed) schedule of contributions on the Council's website.

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.

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 the Scheme. Furthermore, the Council may instigate enforcement proceedings under the Acts in respect of unpaid supplementary development contributions and all associated costs and fees).

### **2.12 Appeal to An Bord Pleanála ("the Board")**

Development contributions levied under the Scheme and applied by planning condition can only be appealed to the Board on the basis that the terms of the Supplementary Scheme have not been properly applied by the Council (see sections 49(3) and 48(10) of the Act).

### **2.13 Term of the Supplementary Scheme**

The Council has used the remaining lifetime of the Cork City Development Plan 2015-2021 plus 6 months thereafter as the term of the Scheme. The scheme will be implemented following its adoption by the Council and will cease, unless a new scheme is made beforehand, in 2021, 6 months after the Cork City Development Plan 2015 – 2021 has expired.

The Scheme may be varied by the resolution of the Council at any time, for the purpose of modifying the manner of determining a contribution pursuant to a condition under Section 49 (1) of the Act, where the cost of carrying out or providing , as the case may be, the public infrastructure project or service is less than the cost that was estimated when the Council first determined the amount of the Contribution.

### **2.14 Review of the Supplementary Scheme**

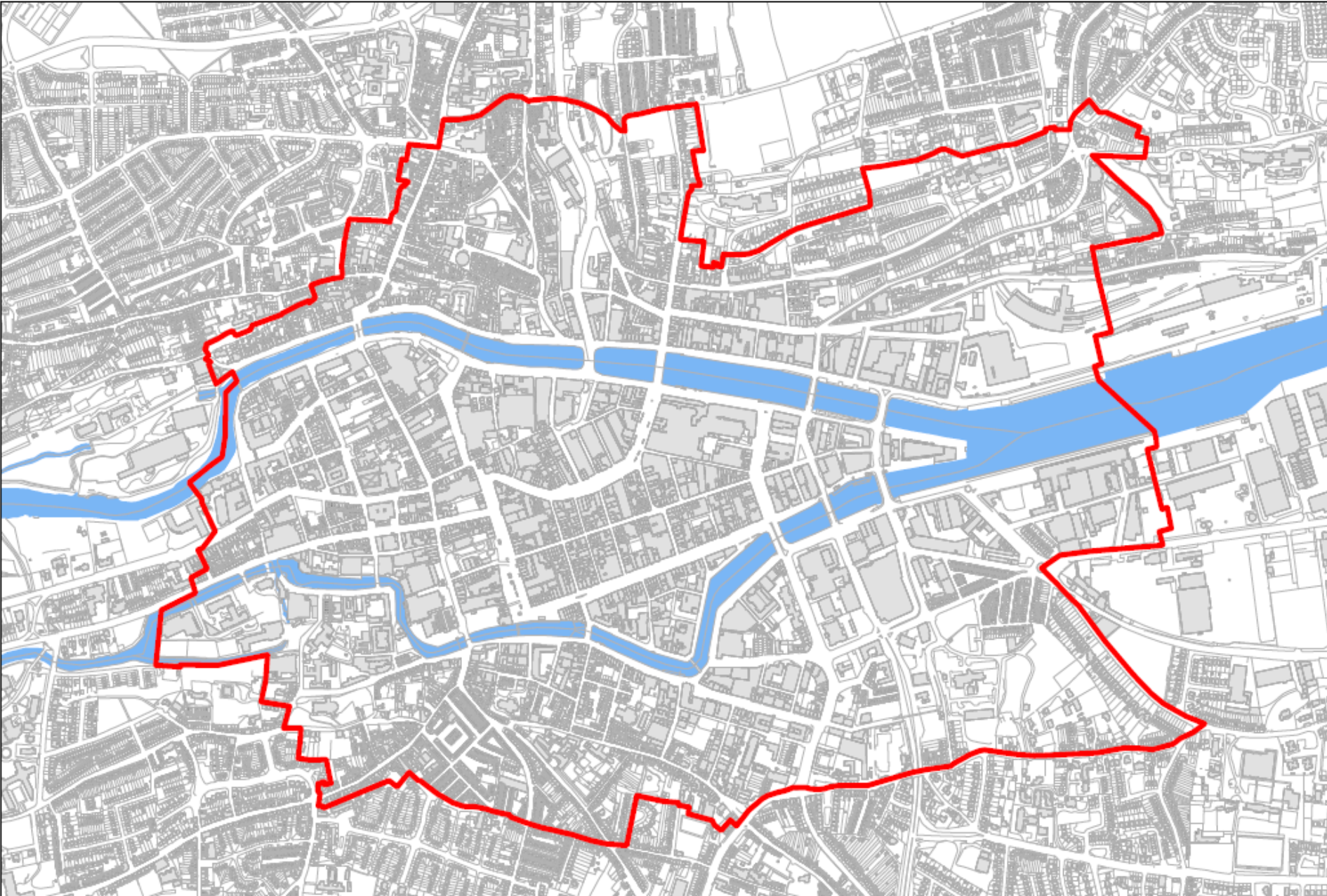
The review of the implementation of the Scheme will be included in the Chief Executive's progress report, on securing the objectives of the Development Plan.

## Appendix 1

### Development Contribution Scheme

<b>Classes of Infrastructure</b>	<b>Estimated Costs</b>
<b>Park, Recreation, Amenity &amp; Community Facilities</b>	<b>€m</b>
<b>Parks (Provision &amp; Upgrading)</b>	<b>58</b>
<b>Amenity Walks (Provision &amp; Upgrade)</b>	<b>10</b>
<b>Sports Facilities</b>	<b>30</b>
<b>Arts &amp; Cultural Facilities</b>	<b>31</b>
<b>Amenities &amp; Facilities</b>	<b>20</b>
<b>Libraries</b>	<b>25</b>
<b>Archives</b>	<b>3.2</b>
<b>Museum</b>	<b>1</b>
<b>Community Facilities</b>	<b>10</b>
<b>Recycling Infrastructure including Civic Amenity Sites / Bottle banks</b>	<b>3</b>
<b>Sub Total</b>	<b>191.2</b>
<b>Stormwater Management Infrastructure &amp; Facilities</b>	
<b>Sub Total</b>	<b>10.6</b>
<b>Roads/ Transportation Infrastructure &amp; Facilities</b>	
<b>Pedestrian Facilities</b>	<b>17.5</b>
<b>Quay Walls &amp; Flood Related Works</b>	<b>20</b>
<b>Public Transport Initiatives</b>	<b>70</b>
<b>City Centre Management Strategy</b>	<b>25</b>
<b>Cycle Network Improvements</b>	<b>10.25</b>
<b>Parking Improvements</b>	<b>10</b>
<b>Public Lighting</b>	<b>35</b>
<b>Traffic Signals</b>	<b>13</b>
<b>Bridges</b>	<b>132.5</b>
<b>Urban Streets Upgrades</b>	<b>38.8</b>
<b>Major Roads Upgrades</b>	<b>32.3</b>
<b>Sub Total</b>	<b>404.35</b>
<b>Total: All Classes of Infrastructure &amp; Facilities</b>	<b>606.15</b>

**Appendix 2**



**Cork City Centre Development Contributions Boundary**