

**Dún Laoghaire-Rathdown County Council (“the Council”)**

**Development Contribution Scheme in respect of development in the Cherrywood  
Planning Scheme Area 2023-2028**

**Section 48 of the Planning and Development Act, 2000 (as amended)**

## **Preamble**

### Background

On the 25<sup>th</sup> of May 2010, the Government of Ireland in exercise of the powers conferred on them by Section 166(1) of the Planning and Development Act, 2000 made the Planning and Development Act 2000 (Strategic Development Zone: Cherrywood, Dún Laoghaire-Rathdown County) designating an area in Cherrywood as a strategic development zone and specifying Dún Laoghaire-Rathdown County Council (the "**Council**") as development agency.

In April 2014, An Bord Pleanála approved the Cherrywood Planning Scheme (the "**Planning Scheme**") in relation to an area within the Cherrywood SDZ, the "**Cherrywood Planning Scheme Area**".

On the 13<sup>th</sup> of June 2017, the Council made the Cherrywood Planning Scheme Development Contribution Scheme, 2017-2020 (comprising Countywide and Cherrywood Planning Scheme) (the "**2017 Scheme**") which superseded the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016 – 2020 in respect of development in the Cherrywood Planning Scheme Area.

The 2017 Scheme provided for the payment of Countywide development contributions to contribute to the funding of projects benefitting development throughout the County as listed in Appendix II and additional Cherrywood development contributions to contribute to the funding of projects benefitting development in the Cherrywood Planning Scheme Area as listed in Appendix III. These additional Cherrywood contributions contribute to the overall funding of infrastructure projects listed in Appendix III, serving the Cherrywood Planning Scheme Area and therefore form a key part of the overall funding strategy for this area.

The Cherrywood contributions under the 2017 Scheme in respect of infrastructure benefitting the Cherrywood Planning Scheme Area did not provide the funding required in respect of the full cost of delivering the public infrastructure and facilities concerned which resulted in a funding shortfall.

### Planning Scheme Funding

An extensive suite of infrastructure and services is required for the full development of the Cherrywood Planning Scheme Area. The internal infrastructure comprises the suite of public infrastructure and facilities that is required only for the purpose of opening-up and supporting development of the Cherrywood Planning Scheme Area lands. Those projects were listed in Appendix III of the 2017 Scheme and are included in Appendix III of this Scheme. For the avoidance of doubt the Countywide contributions are to fund Countywide projects listed in Appendix II only.

The delivery of the projects in Appendix III to this scheme ("the **Scheme**") in a coherent and structured manner requires significant investment. The 2017 Scheme was part of the funding strategy identified to cover the cost of delivery. In addition, funding was sourced by the Council through central government under Local Infrastructure Housing Activation Fund (LIHAF) and Local Property Tax. Since the adoption of the 2017 Scheme, the Council has secured additional funding from the National Transport Authority (NTA) and the Urban Regeneration Development Fund (URDF) Call 1 and Call 2. Funding under LIHAF and URDF Call 1 and Call 2 covers 75% of the cost of the projects concerned and these schemes require the Council by way of the Cherrywood contributions to cover the balance. The schemes also require the Council to have title to the lands on which the infrastructure is constructed and to act as contracting authority.

## Supporting development in the Cherrywood Planning Scheme Area

Notwithstanding the foregoing sources of funds and funding under the 2017 Scheme, a significant funding shortfall remains. This Scheme is therefore timely in that it introduces a new basis for the determination of a Cherrywood contribution rate in respect of the projects listed in Appendix III. This is considered necessary to ensure that there is certainty surrounding the full delivery of the public infrastructure and facilities required for the Cherrywood Planning Scheme Area without any funding shortfall.

It is intended that this Scheme will address and bridge the residual funding shortfall where, if the shortfall were to remain unresolved, it has the potential to halt or significantly delay the development of the Cherrywood Planning Scheme Area which would result in a significant negative impact on the delivery of homes and employment. DLR will continue to monitor any potential funding shortfall through the duration of the Scheme.

The Council have undertaken a review of actual and estimated costs for the construction and/or delivery of the public infrastructure and facilities listed in Appendix III, including ancillary services undertaken by the Council. This is reflected in Table A2 of Appendix I of this Scheme.

In preparing this Scheme, the Planning Authority has not provided for any land acquisition costs in determining the estimated costs provided for in the Scheme save for land acquisition costs which may be incurred by the Council in relation to any of the funding programmes described in Article 6.7 below. Therefore, the Cherrywood contributions do not cover land acquisition costs save as aforesaid. Such land acquisition costs have not been included in light of certain landowners' commitment to cede the lands required for those programmes when they expressed support for the Council's funding applications that were submitted to central government. Consequently, neither land acquisition costs nor land values will constitute Qualifying Expenditure (as that expression is defined in Article 6.4 of this Scheme) under any circumstances.

This Scheme is considered to be an incentive and a proactive measure to assist investment in the Cherrywood Planning Scheme Area and will prevent piecemeal and protracted development. Resolving the funding shortfall as provided for in this scheme will materially contribute to the delivery of much-needed homes and centres of employment in Cherrywood.

The Council have taken steps to mitigate the magnitude of the funding shortfall, and in turn, the level of Cherrywood contribution, by way of securing LIHAF, URDF and NTA government funded programmes.

NB: - If and insofar as anything in the Preamble conflicts or is otherwise inconsistent with the terms of this Scheme set out below, then the latter shall prevail.

### **1. Introduction**

1.1. This Development Contribution Scheme in respect of development in the Cherrywood Planning Scheme Area, 2023-2028 (the "**Scheme**") is made by Dún Laoghaire-Rathdown County Council (the "**Council**") in exercise of its powers under Section 48 of the Planning and Development Act, 2000 (as amended) (the "**2000 Act**").

1.1.1. Section 48(1) of 2000 Act enables a planning authority, when granting a planning permission under section 34 of the 2000 Act, to include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).

1.1.2. Section 48(2)(a) of the 2000 Act provides that the basis for the determination of a contribution under section 48(1) of the 2000 Act shall be set out in a development contribution scheme made under section 48, and that a planning authority may make one or more schemes in respect of different parts of its functional area. The Scheme

shall apply in respect of the Cherrywood Planning Scheme Area which is shown coloured blue on Drawing No. PI-23-041 at **APPENDIX VI** of the Scheme and the term "Cherrywood Planning Scheme Area" shall be construed accordingly where used in the Scheme.

- 1.1.3. Under Section 48(2)(b) a scheme may make provision for payment of different contributions in respect of different classes or descriptions of development. The Scheme makes provision for different contributions in respect of residential development and commercial development. For the purpose of the Scheme, residential development includes house, apartments and duplexes for residential use, whereas commercial development is any other type of development that is not residential development. The Cherrywood Planning Scheme commercial contribution is separated into two sub-classifications, namely commercial office and commercial other.
- 1.1.4. Section 48(3)(a) of the 2000 Act provides that a scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.
- 1.1.5. Section 48(3)(b) of the 2000 Act provides that in stating the basis for determining the contributions in accordance with section 48(3)(a) of the 2000 Act, the Scheme must indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination. The classes of public infrastructure and facilities in respect of which contributions are to be paid are indicated in Table 1 and Table 2 provided in Article 4.2 and in Appendix II and Appendix III of the Scheme.
- 1.1.6. Section 48(3)(c) of the 2000 Act provides that a scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.
- 1.1.7. Section 48(14)(a) of the 2000 Act provides that money accruing to a local authority under section 48 of the 2000 Act shall be accounted for in a separate account and shall only be applied as capital for public infrastructure and facilities.
- 1.1.8. Section 48(15)(a) of the 2000 Act provides that a planning authority may facilitate the phased payment of contributions under section 48 of the 2000 Act and may require the giving of security to ensure payment of contributions.
- 1.1.9. Section 48(17) provides that the "public infrastructure and facilities" means—
  - (a) the acquisition of land,
  - (b) the provision of open spaces, recreational and community facilities and amenities and landscaping works,
  - (c) the provision of roads, car parks, car parking places, surface water sewers and flood relief work, and ancillary infrastructure,
  - (d) the provision of bus corridors and lanes, bus interchange facilities (including car parks for those facilities), infrastructure to facilitate public transport, cycle and pedestrian facilities, and traffic calming measures,
  - (e) the refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, surface water sewers, flood relief work and ancillary infrastructure,
  - (f) the provision of high-capacity telecommunications infrastructure, such as broadband,
  - (g) the provision of school sites, and
  - (h) any matters ancillary to paragraphs (a) to (g).

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

1.3. In the Scheme: -

i. "building" means a building, structure or erection (whether permanent or temporary) of any kind or of any materials;

ii. "shop" means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public—

(a) for the retail sale of goods,

(b) as a post office,

(c) for the sale of tickets or as a travel agency,

(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and "wine" is defined as any intoxicating liquor which may be sold under a wine retailer's off licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,

(e) for hairdressing,

(f) for the display of goods for sale,

(g) for the hiring out of domestic or personal goods or articles,

(h) as a launderette or dry cleaners,

(i) for the reception of goods to be washed, cleaned or repaired,

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

1.4. On the 14<sup>th</sup> of December 2015, the Council made the Dún Laoghaire-Rathdown Development Contribution Scheme, 2016-2020 (the "**2015 Scheme**") which applied to all development within the functional area of the Council, including the Cherrywood Planning Scheme Area.

1.5. Article 9, Note 2 of the 2015 Scheme states:

*'Should a particular geographical area require a higher level of financing for new services and infrastructure than is envisaged within this Development Contribution Scheme, then Dún Laoghaire-Rathdown County Council reserves the right to prepare and adopt a separate Section 48 Development Contribution Scheme for that particular area. This may, in particular, apply to the Cherrywood Planning Scheme Area.'*

1.6. On the 13<sup>th</sup> of June 2017, the Council made the Dún Laoghaire-Rathdown County Council Cherrywood Planning Scheme Development Contribution Scheme, 2017-2020 (comprising Countywide and Cherrywood Planning Scheme) (the "**2017 Scheme**"). The 2017 Scheme superseded the 2015 Scheme in respect of the determination of development contributions levied on development in the Cherrywood Planning Scheme Area. The 2017 Scheme provided that, when granting permission for development in the Cherrywood Planning Scheme Area, the planning authority shall include conditions for requiring the payment of contributions in respect of the funding of public infrastructure and facilities projects benefitting development throughout the County and contributions in respect of the funding of public infrastructure and facilities benefitting development within the Cherrywood Planning Scheme Area.

1.7. From the date on which it comes into effect, this Scheme will supersede the 2017 Scheme and provide the basis for the determination of contributions in respect of public infrastructure and facilities that shall be required to be paid under conditions included in permissions for development in the Cherrywood Planning Scheme Area granted on or after the date on which the Scheme comes into effect.

## **2. BASIS FOR DETERMINATION OF CONTRIBUTION**

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

- 2.1.1. the amount of the estimated costs that are attributable to the public infrastructure and facilities listed in Appendix II in the years to 31<sup>st</sup> of December 2028. These costs have been included in Table A1 of Appendix I to this Scheme;
- 2.1.2. the amount of the actual estimated costs that are attributable to the public infrastructure and facilities listed in Appendix III to the Scheme. These costs have been included in Table A2 of Appendix I to this Scheme. It should be noted that in accordance with Section 48(17)(h) of the Act, actual estimated costs related to ancillary services undertaken by the Council, which are necessary to support the Scheme and the public infrastructure and facilities listed in Appendix III, are also included in Table A2 of Appendix I. These estimated costs constitute 2.8% of the figures therein. For the avoidance of doubt, land acquisition costs are excluded from the estimated costs attributable to the public infrastructure and facilities listed in Appendix III to the Scheme save for those costs described in Article 6.9;
- 2.1.3. the aggregated units and floor areas in square metres of projected development in the County of Dún Laoghaire-Rathdown of each class or description of development, namely residential, industrial/commercial and domestic extensions exceeding 40 square metres, in the years to 31<sup>st</sup> December 2028. These units and floor areas are included in Table B1 of Appendix I to this Scheme;
- 2.1.4. the aggregated units and floor areas in square metres of projected development in the Cherrywood Planning Scheme Area of each class or description of development, namely residential, industrial/commercial and domestic extensions exceeding 40 square metres, in the years to 31<sup>st</sup> December 2028. These units and floor areas are included in Table B2 of Appendix I to this Scheme; and
- 2.1.5. the development contributions payable per unit of residential development, per square metre of commercial development and per square metre of domestic extension were determined upon consideration of a number of factors including:
  - i. eligible costs of projects;
  - ii. expected quantum of development;
  - iii. the level of existing contribution rates; and
  - iv. market conditions.

## **3. DEVELOPMENT CONTRIBUTIONS**

3.1. Under the Scheme, the Council in its capacity as planning authority will, when granting permission under Section 34 of the 2000 Act for development in the Cherrywood Planning Scheme Area, include conditions in such permissions for requiring the payment of the following: -

- 3.1.1. a contribution (the amount of which is to be determined in accordance with Article 4 of the Scheme) in respect of each of the three classes of public infrastructure and facilities listed in Appendix II to the Scheme benefiting development throughout the County that is provided, or that it is intended will be provided, by or on behalf of the Council (regardless of other sources of funding for the infrastructure and facilities) ("the Countywide Contribution/s"); and,
- 3.1.2. a contribution (the amount of which is to be determined in accordance with Article 4 of the Scheme) in respect of public infrastructure and facilities listed in Appendix III to this Scheme benefitting development in the Cherrywood Planning Scheme Area, that is provided, or is intended to be provided, by or on behalf of the Council, (regardless of other sources of funding for the infrastructure and facilities) ("the Cherrywood Contribution/s").

- 3.2. The level of the contributions in respect of which payment is to be required under planning permission in accordance with Article 3.1 of the Scheme shall be determined in accordance with the provisions of this Scheme.
- 3.3. Contributions in respect of which payment is required under planning permission in accordance with the Scheme are to be paid in respect of six different classes of public infrastructure and facilities, namely Countywide: Class 1: Community, Parks & Recreational amenities, Class 2: Transport Infrastructure, and Class 3: Surface Water Infrastructure and Cherrywood: Class 1: Community, Parks & Recreational amenities, Class 2: Transport Infrastructure, and Class 3: Surface Water Infrastructure.

#### **4. LEVEL OF CONTRIBUTION**

- 4.1. The level of contributions to be levied and paid (except where and insofar as an exemption or reduction applies in accordance with Article 6 of the Scheme) in respect of the different classes of public infrastructure and facilities benefitting development throughout the County of Dún Laoghaire-Rathdown listed in Appendix II, i.e. the Countywide Contributions, is set out in Table 1 below.
- 4.2. The level of contributions to be levied and paid (except where and insofar as an exemption or reduction applies in accordance with Article 6 of the Scheme) in respect of the different classes of public infrastructure and facilities benefitting development in the Cherrywood Planning Scheme Area listed in Appendix III, i.e. the Cherrywood Contributions, is set out in Table 2 below.

**TABLE 1**

*Level of Contributions to be paid in respect of the different classes of public infrastructure and facilities benefitting development throughout the County ("**Countywide Contributions**")*

<b>Classes of Public Infrastructure</b>	<b>€ per unit of Residential Development</b>	<b>€ per square metre of Domestic Extensions in excess of 40 sq.m</b>	<b>€ per square metre of Commercial class of Development</b>
Class 1: Community, Parks facilities & Recreational amenities	€10,990.14	€94.91	€94.91
Class 2: Transport Infrastructure	€1,962.53	€16.95	€16.95
Class 3: Surface Water Infrastructure	€130.83	€1.13	€1.13
<b>Total of Contributions Payable</b>	<b>€13,083.50</b>	<b>€112.99</b>	<b>€112.99</b>

**TABLE 2**

*Level of Contributions to be paid in respect of the different classes of public infrastructure and facilities benefitting development in the Cherrywood Planning Scheme Area ("**Cherrywood Contributions**")*

<b>Classes of Public Infrastructure</b>	<b>€ per unit of Residential Development</b>	<b>€ per square metre of Domestic Extensions in excess of 40 sq. m.</b>	<b>€ per square metre Office Commercial Development</b>	<b>€ per square metre Other Commercial Development</b>
Class 1: Community, Parks facilities & recreational amenities	€3,694.38	€0	€26.39	€19.67
Class 2: Transport Infrastructure	€11,959.04	€0	€85.44	€63.67
Class 3: Surface Water Infrastructure	€1,565.58	€0	€11.18	€8.34
<b>Total of Contributions Payable</b>	<b>€17,219.00</b>	<b>€0</b>	<b>€123.01</b>	<b>€91.68</b>



- 4.3. For the avoidance of doubt, development consisting of the provision of car parking in the Cherrywood Planning Scheme Area will be subject to Countywide Contributions only which shall be determined in accordance with this Article 4 and be payable subject to any applicable exemptions and/or reductions that apply under Article 6 of the Scheme.
- 4.4. For the avoidance of doubt, the monies received by the Council as payment of a Countywide Contribution that has been determined in accordance with Table 1 of Article 4.2 of the Scheme shall contribute to the funding of the class of public infrastructure and facilities benefitting development throughout the County and set out in Appendix II to the Scheme in respect of which contribution concerned was required to be paid. Furthermore, and without prejudice to the foregoing, no monies received by the Council as payment of a Countywide Contribution may be used to contribute to the funding of the development of public infrastructure and facilities benefitting development in the Cherrywood Planning Scheme Area only which are set out in Appendix III of the Scheme.
- 4.5. Further, and for the avoidance of doubt, the monies received by the Council as payment of a Cherrywood Contribution that has been determined in accordance with Table 2 of Article 4.2 of the Scheme shall be used for the sole purpose of contributing to the funding of public infrastructure and facilities benefitting development in the Cherrywood Planning Scheme Area.
- 4.6. Individual housing units, whether in a multi-unit development or one-off site housing development, will be subject to an additional charge of €112.99 for Countywide and €0.00 for Cherrywood (Domestic Extension Rate as per Article 4.2, Table 1 and Table 2 above ) per square metre on all areas greater than 150m<sup>2</sup> within a unit. The area will be measured from the internal walls and include the space occupied by any walls, shafts, ducts or structure within the space being measured. This does not apply to apartments or duplexes.
- 4.7. On the 1<sup>st</sup> of January 2025, and on the 1<sup>st</sup> of January every year thereafter throughout the lifetime of the Scheme, the rates of contribution set forth in Tables 1 and 2 of Article 4 of the Scheme shall be updated in accordance with the SCSJ Tender Price Index. For the avoidance of doubt, the rates set forth in Tables 1 and 2 are effective from the date on which the Scheme comes into effect. Notwithstanding that the Scheme may be revoked or replaced, indexation shall continue to be applied in respect of all outstanding contribution payments described above until all contributions have been paid in full.
- 4.8. All retention permissions will be charged a multiple of 1.25 times the applicable rates outlined in the Tables above (as index-adjusted from time to time in accordance with the Scheme). Contributions due in respect of permission for retention will become payable immediately upon the issue of the final grant of permission unless otherwise agreed in writing with the Council. No exemptions or reductions under Article 6 of the Scheme shall apply to any development subject to retention permission save and except for the exemptions provided by Article 6. 1 (iv), (v), (vi), (vii), (viii), (ix) ,(x), (xv) and (xvi), Article 6.2 (vi) of the Scheme.

## **5. Operation of Scheme**

- 5.1. This Scheme replaces the 2017 Scheme in respect of development in the Cherrywood Planning Scheme Area.
- 5.2. Exemptions and reductions provided for by Article 6 of the Scheme shall not apply to any special development contribution(s) in respect of which payment is required pursuant to section 48 (2)(c) of the 2000 Act.
- 5.3. As noted in Article 1.1.3 of the Scheme, any development (including, for the avoidance of doubt, change of use) that is not residential in nature will be classified as commercial development.

- 5.4. Contributions collected in respect of public infrastructure and facilities benefitting development throughout the County of Dún Laoghaire-Rathdown shall only be used to fund that class of public infrastructure and facilities that benefits countywide development, i.e. the relevant class of projects listed in Appendix II to the Scheme.
- 5.5. Contributions collected in respect of public infrastructure and facilities benefitting development in the Cherrywood Planning Scheme Area shall only be used to fund public infrastructure and facilities that benefit development in the Cherrywood Planning Scheme Area.
- 5.6. Where any decision to modify or amend planning permission is made as a result of which there is no additional liable area or unit as per the Scheme then no further contributions will be applied in addition to those already levied under the original planning permission. Any additional floor area or unit will have contributions applied in accordance with the Scheme.

## **6. EXEMPTIONS AND REDUCTIONS**

- 6.1. The following categories of development will be exempted from the requirement to pay development contributions (both Countywide Contributions and Cherrywood Contributions) under the Scheme: -
  - i. The first 40 square metres of any domestic extension (including for the avoidance of doubt, any floor area that is exempted development under the Planning and Development Regulations 2001, Schedule 2, Part 1, Class 1), including granny flats and/or any building that is physically separate/detached from the principal building but located within the curtilage thereof. This exemption is cumulative and limited to 40 square metres in total per unit (including any physically separate building). The exemption hereby provided will not apply to the area of any domestic extension insofar as it exceeds 40 square metres, including granny flats (whether physically connected to the principal building or not), in respect of which development contributions shall be determined and charged in accordance with the Scheme calculated per square metre of development subject to a maximum contribution equivalent that is payable in respect of 1 residential unit.
  - ii. Domestic extensions for the purpose of providing accommodation for disabled person(s), irrespective of gross floor area, provided that a Housing Adaptation Grant for People with a Disability has been granted under the appropriate scheme; and/or,  
  
in the case of a modification to accommodate the needs of a disabled child under the age of 16 years, the applicant or a member of their household is in receipt of a domiciliary care allowance; and/or,  
  
in the case of a modification to accommodate the needs of an adult, the adult concerned qualifies for an exemption from VAT pursuant to the Value Added Tax (Refund of Tax) (No. 15) Order 1981. Where an exemption is claimed on the basis of VAT-exemption status the planning authority may require the applicant to produce a letter of confirmation issued by the Revenue Commissioners.
  - iii. Attic Conversions and garage conversions attached to the rear or to the side of an existing domestic unit.
  - iv. Embassies.
  - v. Developments by organisations having exemption from income tax and corporation tax under Section 207 of the Taxes Consolidation Act 1997 and currently holding an exemption certificate from the Revenue Commissioners, including registered charities provided that the development is exclusively for the primary purpose of the organisation/charity. The Council may require production of an affidavit to confirm that the body concerned is entitled to claim this exemption.

- vi. Primary schools, post primary schools, non-commercial community centres, youth centres, and similar non-commercial community-related developments.
- vii. Social and affordable housing if funding for same is being provided by central government on terms that specifically exclude the requirement for the payment of development contributions under a scheme such as the Scheme, **and**;
  - a. the housing units that are provided in accordance with an agreement made under Part V of the 2000 Act; and/or
  - b. the housing units are built by, or on behalf of the Council; and/or
  - c. the housing units are built by or on behalf of the Land Development Agency, an Approved Housing Body as defined in Section 1 of the Housing (Miscellaneous Provisions) Act, 1992 (as amended), Voluntary or Co-Operative Housing Body reserving tenancy nomination rights to the Council;
 provided always that;
  - (i) the Housing Department of the Council has confirmed in writing that the development contributions are not due;
  - (ii) the Council may require the applicant for an exemption hereunder to produce an affidavit confirming that it is eligible for same.
  - (iii) where a Part V agreement(s) has not been executed prior to the lodgement of a Commencement Notice, this exemption shall not apply and the full contribution payable under the permission concerned will remain payable unless and until a Part V agreement(s) is executed; and
  - (iv) the exemption shall not apply in respect of housing units provided to the Council, the Land Development Agency or an approved housing body, under a lease or similar arrangement.
- viii. The non-built elements of recreational facilities (e.g. playing pitches, golf courses).
- ix. Broadband Infrastructure (e.g. masts and antennae).
- x. Initial afforestation.
- xi. Carparking is exempt in the following circumstances:
  - a. Carparking in residential developments.
  - b. Carparking integrated within a structure when ancillary to the proposed use of the structure. (When not exempt, i.e. when use is non-ancillary, it will be measured on the basis of the gross floor area.) Surface car parking is leviable at 25% of the Countywide commercial rate only and will be assessed on the basis of each car parking space being 12 square metres.
  - c. Designated accessible carparking spaces in accordance with Technical Guidance Document M in all developments shall be exempt from contributions, all designated accessible carparking spaces will be measured at 25 metres square.
- xii. Renovations to restore/refurbish structures included in the record of "Protected Structures" in the County Development Plan for the time being in force, but only where the Council is satisfied that the works substantially contribute to the conservation or restoration of the structure. This exemption shall not apply to any additional floor area that is to be added to a protected structure (including where

physically separate from the principal building but within the curtilage thereof) and any such development will be levied at the appropriate rate determined in accordance with the Scheme.

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

6.2. Contributions (both the Countywide Contributions and the Cherrywood Contributions) to be paid in respect of the following shall be reduced in the manner indicated:

- i. Where existing residential development is demolished and replaced by new residential development, contributions payable in respect of the replacement development shall be reduced by an amount equivalent to 50% of the contribution that would have been levied in respect of the original existing development had it been subject to the Scheme. Therefore, by way of example, if one existing housing unit is demolished and replaced by ten housing units, the contributions payable shall be reduced by the equivalent of 50% of the contribution payable in respect of one housing unit.
- ii. Where existing commercial development is demolished and replaced by new commercial development, contributions payable in respect of the replacement development shall be reduced by an amount equivalent to 50% of the contribution that would have been levied in respect of the original existing development had it been subject to the Scheme. Therefore, by way of example, if 100 square metres of existing commercial development is demolished and replaced by 500 square metres of commercial development, the contributions payable shall be reduced by the equivalent of 50% of the contribution payable in respect of 100 square metres of commercial development.
- iii. The reductions at i. and ii. above apply on a 'like for like' basis only and therefore, for the avoidance of doubt, no reduction shall apply where commercial development replaces existing residential development or vice versa.
- iv. Contributions in respect of temporary permissions shall be reduced on the following basis: -
  - a. 33% of normal rates for permissions of up to 3 years;
  - b. 50% of normal rates for permissions of up to 5 years; and,
  - c. 66% of normal rates for permissions of up to 10 years.

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

- v. Temporary park-and-ride permissions shall be levied at 25% of the Countywide commercial rate only and will be assessed on the basis of each car parking space being 12 square metres.
- vi. Where an existing single occupancy house is subdivided into a maximum of two separate residential dwellings, this shall be charged at 50% of the residential development rate in table 1 only (subject to indexation as per clause 4.7 of the Scheme) any additional floor area will be charged at the applicable rate, subject to the provision of clause 6.1(i)

6.3. Cherrywood Contribution(s) required to be paid under a condition included in a permission for development in the Cherrywood Planning Scheme Area may, subject to Articles 6.4-6.9 inclusive, be reduced where a developer(s) by whom Cherrywood Contribution(s) are payable has incurred Qualifying Expenditure in the construction and/or delivery of public infrastructure and facilities listed in Appendix III of the Scheme. In such circumstances, the amount of Qualifying Expenditure so incurred shall be ascertained and validated by or on behalf of the Council and the amount payable by the developer(s) in respect of the Cherrywood Contribution(s) shall, save in circumstances where Article 6.7 applies, be reduced by an amount equal to the amount of such Qualifying Expenditure (but not exceeding the amount of the Cherrywood Contribution(s)) as has been ascertained and validated.

6.4. The expression "Qualifying Expenditure" means any expenditure properly incurred by a developer(s) pursuant to the Scheme on the construction and delivery of public infrastructure and/or facilities the principles, issues and scope relating to which are outlined in APPENDIX V. Qualifying Expenditure shall be ascertained and validated in accordance with project management protocols ("the PM Protocols") the latest version of which will be notified to the developer(s) by the Council upon the earlier of either, a formal request from the Developer to engage in respect to Article 6.3 -6.9 (inclusive), or the granting of planning permission, for the development of the public infrastructure and facilities listed in Appendix III of the Scheme concerned. The PM Protocols shall align with and include (but not be limited to) the principles and issues outlined in APPENDIX V. An earlier version will be available on the Council's website commencing on the date of the adoption of the draft scheme. The latest version notified to the Developer will be that applicable to that Developer. It is envisaged that the PM Protocols may have to be updated from time to time.

6.5. The manner of calculation and methodology for reduction of the Cherrywood Contributions payable by the developer(s) under Article 6.3 of the Scheme shall be agreed in writing between the developer(s) concerned and the Council, said agreement to be called a Development Contribution Reduction Agreement (a "DCRA").

6.6. For the avoidance of doubt, no entitlement to a reduction of the Cherrywood Contributions payable by a developer(s) under Article 6.3 of the Scheme shall apply, arise or be exercisable unless and until a DCRA is executed between the developer(s) liable to pay the Cherrywood Contribution(s) concerned and the Council in accordance with Article 6.5 of the Scheme. A DCRA between developer(s) and the Council shall include, but not be limited to, the matters listed in **APPENDIX IV** to the Scheme.

6.7. In the event that the Council has secured partial funding from central government or from any statutory undertaking and the Council, acting as contracting authority, has enlisted the services of a developer(s) to assist with the construction and delivery of the relevant public infrastructure and or facilities then, the developer(s) shall be entitled, subject to compliance with Articles 6.4 to 6.6, to a reduction in Cherrywood Contributions payable under any

planning permission authorising development within the Cherrywood Planning Scheme Area up to a maximum of the lesser of:

- (i) the amount of Cherrywood Contributions payable; and
- (ii) the unmatched portion or matched funding requirement of the relevant funding programme as the case may be;

less, in both instances described in (i) and (ii) above, any costs already incurred by the Council in regard to the construction and delivery of the relevant public infrastructure and/or facilities.

6.8. In circumstances where the developer(s) decides in its discretion and or of its own accord to construct public infrastructure and/or facilities in respect of which partial government or other statutory funding has already been secured by the Council then there shall be no entitlement under this Scheme to a reduction in the amount of Cherrywood Contribution(s) payable by reference to the expenditure incurred by the developer(s) in so doing.

6.9. Notwithstanding the provisions of Article 6.3 – 6.8 (inclusive) of the Scheme concerning the definition of Qualifying Expenditure, the following shall not constitute Qualifying Expenditure under any circumstances and therefore shall not be taken into account for the purpose of calculating any reduction in respect of Cherrywood Contributions payable by a developer: -

- i. land acquisition costs save and except for such costs which may be incurred in relation to any of the funding programmes described in Article 6.7 above, (including, but not limited to, land costs, cost incidental to the purchase of land and finance costs relating to capital applied to the purchase of land); and
- ii. costs incurred in respect of works carried out to any public infrastructure and facilities listed in Appendix III subsequent to the practical completion thereof (including, but not limited to, maintenance, upgrading, tying-in and/or rectification works).

## **7. PAYMENT OF CONTRIBUTION**

7.1. Conditions requiring payment of the contributions provided for in the Scheme will be included in all decisions to grant planning permission for development in the Cherrywood Planning Scheme Area made on or after the date on which the Scheme comes into effect.

7.2. Contributions under the Scheme shall be payable prior to commencement of development (including for the avoidance of doubt, the demolition of any building in accordance with the permission) unless otherwise agreed in writing with the Council. The conditions requiring payment of contributions included by the Planning Authority when granting permission for development to which the Scheme applies shall include a requirement that the contributions concerned be paid prior to commencement of development (including, for the avoidance of doubt, the demolition of any building in accordance with the permission) unless otherwise agreed in writing with the Council.

7.3. Contributions shall be payable at the index-adjusted rate pertaining to the year in which implementation of the planning permission (including, for the avoidance of doubt, the demolition of any building in accordance with the permission) is commenced. Where a contribution that is payable has not been paid in full, the balance outstanding as of the 1<sup>st</sup> of January each year shall be subject to indexation and adjusted accordingly until the contribution has been paid in full.

7.4. The Council may enter into an agreement to facilitate the phased payment of contributions (a "**phasing agreement**"), and the Council may require the giving of security to ensure payment of contributions. A phasing agreement shall be made in writing between the Council

and the developer(s) carrying out development in accordance with a planning permission and shall provide for the payment of all contributions payable under the planning permission concerned. The Council shall enter into only one phasing agreement per planning permission to which all developers under the permission must be a party and which shall provide for the payment of all development contributions in respect of which payment is required by a condition(s) of the permission.

7.5. In accordance with section 48(15)(c) of the 2000 Act, the Council may recover as a simple contract debt in a court of competent jurisdiction any contribution (including interest and legal costs) that is payable under planning permission in accordance with the Scheme. Further or in the alternative, in accordance with Part VIII of the 2000 Act, the Council may institute enforcement action in respect of unauthorised development, comprising development carried otherwise than in conformity with permission pertaining to that development or any condition to which the permission is subject, including but not limited to a condition requiring the payment of a contribution under the Scheme.

## **8. APPEAL TO AN BORD PLEANÁLA (the "Board")**

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

## **9. REVIEW OF SCHEME**

The Scheme may be reviewed from time to time by the Council having regard to prevailing circumstances, following which a new contribution scheme may be made. The Council will endeavour to make a new scheme prior to the 31<sup>st</sup> December 2028, but this Scheme shall continue in full force and effect until such time as it is revoked by the Elected Members of the Council and replaced by a new scheme made pursuant to Section 48 of the 2000 Act whether before or after the 31<sup>st</sup> of December 2028.

## **10. SPECIAL DEVELOPMENT CONTRIBUTIONS**

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

## **11. EFFECTIVE DATE**

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

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

## **12. CITATION**

- 12.1. The Scheme may be cited as the Development Contribution Scheme in respect of development in the Cherrywood Planning Scheme Area (2023 - 2028).
- 12.2. For the avoidance of doubt the title of the Scheme is for descriptive purposes only and shall not affect its interpretation.

## APPENDIX I

**Table A1: Costs attributable in the lifetime of the Scheme to the classes of infrastructure and facilities (Countywide) :-**

	<b>Cost Included in Scheme</b>	<b>Contributions Allocated</b>	<b>% Contributions Allocated</b>
Class 1 Community, Parks & Recreational facilities and amenities	€289,761,609	€151,842,204	84%
Class 2 Transport Infrastructure	€170,332,234	€27,560,664	15%
Class 3 Surface Water infrastructure	€7,667,000	€652,160	1%
<b>Total costs included in Scheme</b>	<b>€467,760,843</b>	<b>€180,055,028</b>	<b>100%</b>

**Table A2: Costs attributable in the lifetime of the Scheme to the classes of infrastructure and facilities (Cherrywood Only)\*:-**

	<b>Cost Included in Scheme *</b>	<b>Contributions Allocated</b>	<b>% Contributions Allocated</b>
Class 1: Community, Parks facilities & Recreational amenities	€51,378,350	€25,362,843	21%
Class 2: Transport Infrastructure	€177,826,136	€82,101,800	70%
Class 3: Surface Water Infrastructure	€22,351,525	€10,748,104	9%
<b>Total costs included in Scheme</b>	<b>€251,556,011</b>	<b>€118,212,747</b>	<b>100%</b>

**\*Actual Estimated Costs of all projects listed in Appendix III**



**TABLE B1 and TABLE B2:  
PROJECTED DEVELOPMENT**

Units of projected residential development and projected industrial/commercial development and projected domestic extension development in excess of 40 square metres (in the period to 31 December 2028):

**Table B1: Countywide**

<b>Residential</b>	<b>Commercial</b>	<b>Domestic Extensions in excess of 40 sq.m.</b>
10,800 units	463,000 sq.m	54,000 sq.m

**Table B2: Cherrywood Planning Scheme Area \***

<b>Residential</b>	<b>Domestic Extensions in excess of 40 sq.m</b>	<b>Commercial Office</b>	<b>Commercial Other</b>
1,700 units	0 sq.m	127,000 sq.m	34,000 sq.m

*\*For the avoidance of doubt the figures indicated in respect of Countywide include projected development in the Cherrywood Planning Scheme Area*

## APPENDIX II

### **PUBLIC INFRASTRUCTURE AND FACILITIES PROJECTS BENEFITTING DEVELOPMENT THROUGHOUT THE COUNTY OF DUN LAOGHAIRE-RATHDOWN**

#### ***Class 1: Community & Parks & Recreational Facilities***

Hudson Road Park  
Killiney Hill Accessible Entrance  
Pavement Improvement Programme (Parks)  
Sports Facilities  
Grass Pitch Refurbishment  
Wetlands + Attenuation East Area & West Area  
Blackrock Park Masterplan  
Cabinteely Park Projects  
Corke Abbey Woodbrook Glen Improvements (also includes Corke Abbey Valley New Bridge Access)  
Woodbrook College Pitches  
Dalkey Island (Upgrade Tower & Gun Battery)  
Jamestown Park Projects  
Play Space Development (East & West)  
Finsbury Park  
Running track & associated facilities - St. Thomas Estate (Phase 2)  
Myrtle Square & Convent Lane Greening  
Mounttown Boxing Hall  
Kilbogget Park – Sports Hub  
Stonebridge Road Changing Rooms  
Parks and Cemetery Depots  
Oatlands All Weather Pitch  
Killiney Hill/Dalkey Quarry/Roches Hill  
TEK FC Deansgrange  
Fernhill Masterplan  
Marlay Masterplan  
Shanganagh Masterplan  
Cabinteely Masterplan  
Dún Laoghaire Baths  
Library development programme  
Shanganagh Castle  
Recreational Facilities and Pitches  
Upgrade of Meadowbrook Astro pitches  
Glenalbyn Pool Replacement  
Samuel Beckett Campus  
Stepside Sports Hub  
Urban Parks & Open Spaces Regeneration  
Public Realm  
Village Improvement Schemes  
Stillorgan Library  
Shankill & Cabinteely Libraries (Carnegie) Conservation  
Library & Community Buildings Programme of Works  
Climate Action & Greening  
Carrickmines Castle  
Williamstown Martello Tower  
Marlay and Cabinteely Houses  
Projects to enable public access to archaeological sites  
Deansgrange Cemetery  
Distributed Museum  
Marine rewilding  
Development our riparian corridors  
Dundrum Masterplan and advance public realm works  
Dundrum Community, Cultural & Civic Centre  
National Watersports Centre Campus  
Harbour Recreational facilities  
Sun Shelter on East Pier  
Harbour Green Parklet  
The Gut – Masterplan  
Coast & Beaches Regeneration  
Public Recreational berth  
Accommodation Way Boardwalk

## ***Class 2: Transport Infrastructure***

### *Traffic Management/Sustainable Travel*

Annual Traffic Works Programmes to include the following:

Walking & Permeability

New traffic signals and ITS strategy

Junction upgrades

Residential Speed Limits and Slow Zones

Road Safety

School Zones

Cycle Network Infrastructure and Initiatives including Sutton to Sandycove

Greenways

Traffic Management Studies and Implementation

Sustainable Travel

DMURS (Delivery of Principles of the Design Manual for Urban Roads and Streets within existing road network)

Stillorgan Village Movement Framework Plan

Minor Road Reconstruction

Road and Footpath Improvements

Dundrum Wood/Simpsons Hospital Wall

40 Foot Accessibility works

Quinns Road

### *Major Road Improvement Schemes*

Leopardstown Link Road and Roundabout Reconfiguration

Leopardstown Link Road (Phase 2)

Leopardstown Link Road (Phase 3) - aka Murphystown Link Road

Foxrock Village Carpark

Blackglen Road/Harold's Grange Road

M50 Foot/Cycle Bridge

Rochestown Avenue/Abbey Road

Shanganagh Road

Kilgobbin Road

Hillcrest Road

Cherrywood Road Upgrade

Woodbrook/Shanganagh Access Road

Blackrock Main Street & Environs

Blackrock Seafront & Public Realm

Cherrywood to Shankill Greenway

Sandyford/Enniskerry Road (Coolkill to Aiken's Village)

Kiltarnan/Glenamuck LAP Associated Works (Exclusive of Section 49 Scheme)

Strategic Transportation Feasibility Studies

R118 Cherrywood to Dun Laoghaire

Cherrywood SDZ Kiltarnan Link Road

Assessment of Strategic Road Network Performance - Cherrywood SDZ Area

Provision of direct/dedicated walking/cycling link between Bray and the Cherrywood SDZ Area

Provision of improved walking/cycling links between N11 Corridor and the Cherrywood SDZ Area

Provision of additional traffic and demand management measures onto the M50

Provision of direct/dedicated walking/cycling link between Sandyford Business District and the Cherrywood SDZ

Provision of traffic and demand management measures countywide

Brennanstown Road

### ***Class 3: Surface Water***

Screen upgrades, including cameras  
SW Pipe Installation  
Flood Risk Assessments  
River Bank Upgrades / Stabilisation  
River Gauge Installation  
Flood Relief Newtownsmith  
OPW Minor Works Contribution  
Medium / Major Scheme Cost, including design  
CCTV Surveys  
Dundrum Slang: M50 Jn13 Environs Flood Storage/Ballinteer Roundabout Enhanced Flood Storage  
Carysfort Maretime Stream  
Fernhill Park Flood Storage  
Booterstown Park Wetland  
Clonkeen Park Wetland  
Cabinteely Park Wetland  
Cabinteely Park Flood Storage for Climate Adaption  
SuDS Retrofit in Urban Environs w/Active Travel  
Naturalisation of Rivers (removing culverts, concrete channels, weirs)  
Lakelands Climate Change Adaption Pond and Storage

## APPENDIX III

Public infrastructure and facilities  
benefitting development in the Cherrywood Planning Scheme Area

<b>Class 1</b>
<b>Community, Parks &amp; Recreational Facilities and Amenities</b>
<i>To include the following (selected) Parks, Natural Green Space, Greenways and Amenity Space infrastructure referenced to Cherrywood Planning Scheme Refer to Table 5.1 (Main Classification of Open Space), Map 5.1 (Planned Public Open Space) of the Cherrywood Planning Scheme</i>
<i>Public infrastructure and facilities, known as "Common Infrastructure" is limited to the following Parks, Natural Green Space, Greenways and Amenity Space infrastructure indicated below, and shown on Map: Community, Parks &amp; Recreational facilities and amenities (Map 1 of 3), Drawing no: DLR-FPI-D-GENR-185 Rev A, contained in and part of this Appendix III.</i>
<b>Infrastructure Reference</b>
<b><u>Natural Green Space</u></b>
Druids Glen, Lehaunstown Valley, Linear Park, Druid's Glen Buffer
<b><u>Amenity Open Space, Class 1</u></b>
Tully Park
Beckett Park
Parade Green
Priorsland Park
Lehaunstown Park
Ticknick Park (c. 12 hectares) & Access
<b><u>Amenity Open Space, Class 2</u></b>
Lehaunstown Village Green (neighbourhood plaza)
Tully Village Green (neighbourhood plaza)
By Luas Tunnel (neighbourhood plaza)
<b><u>Greenways</u></b>
Tully Park link
Beckett Park link
Ancillary services undertaken by the Council, which are necessary to support the Scheme, and the public infrastructure and facilities listed above

**Class 2****Transport Infrastructure**

To include the following (selected) roads infrastructure and facilities as referenced in Chapter 4, and reference to Map 4.5 of the Planning Scheme.

Public infrastructure and facilities, known as "Common Infrastructure" is limited to the following Transport infrastructure indicated below, and shown on Map:

Class 2 - Transport Infrastructure (Map 2 of 3), Drawing no: DLR-FPI-D-GENR-186 Rev A, contained in and part of this Appendix III.

**Infrastructure Reference**

Grand Parade (B - C)

Grand Parade (B - 22)

Grand Parade (22 - A2)

Grand Parade (A2 - A3) – road only

Tullyvale Road (A – B & First Phase Junction A works)

Tullyvale Road Junction A – Final Layout works

Cherrywood Avenue (upgrades of 16 – I, I – A)

Cherrywood Avenue (upgrades of 15 – 16)

Cherrywood Avenue (upgrades of 14 – 15)

Cherrywood Avenue (upgrades of 14 – H)

Cherrywood Avenue (new roadway J – 23)

Cherrywood Avenue (upgrades of 24 – H)

Barrington's Road (5 - P)

Barrington's Road (7 – D – C - 5)

Barrington's Road (7 – E)

Druid's Glen Road (Q - P3)

Druid's Glen Road (P3 – P)

Beckett Road (E – E2 - F and F – H incl. underpass UP1)

Grand Parade Bridge only over Wyattville Link Road (BR 5)

Bishops Street (F - 21)

Bishops Street (21 - F1 – A2 -A1)

Pedestrian / Cycle bridge only over the Wyattville Link Road (BR4)

Castle Street Extension 10 – M – M - BR6 (Link to transport interchange)

<b>Class 2 Transport Infrastructure, Infrastructure Reference, Continued</b>
Castle Street Extension F1 – 10 (bus, pedestrian and cycle supporting only)
Gun & Drum Hill (section P2 to Castle Street, 19) (pedestrian and cycle supporting infrastructure)
Wyattville Link Road - walking and cycling enhancements (Junction A - junction at 23 & 24 only)
Smart car park study
Ancillary services undertaken by the Council, which are necessary to support the Scheme, and the public infrastructure and facilities listed above

<b>Class 3 Surface Water infrastructure</b>
<i>To include the following (selected) Surface Water infrastructure as indicated in Chapter 4, and reference to Cherrywood Planning Scheme and Map 4.2: (Surface Water Infrastructure and facilities)</i>
<i>Public infrastructure and facilities, known as "Common Infrastructure" is limited to the following surface water infrastructure indicated below, and shown on Map: Class 3- Surface Water infrastructure (Map 3 of 3), Drawing no: DLR-FPI-D-GENR-187 Rev A, contained in and part of this Appendix III.</i>
<b>Infrastructure Reference</b>
Pond 1a - (regional pond in the Lehaunstown Valley)
Pond 2a (regional pond in the Lehaunstown Valley)
Pond 2b (regional pond in the Lehaunstown Valley)
3 (not used)
Pond 4 – upgrade (regional pond in the existing Business Park)
Pond 5a – (regional pond in the Lehaunstown Valley)
<b><u>Detention Basin (Regional)</u></b>
Detention Basin – Beckett Park outfall
Detention Basin – Priorsland
Detention basin at Castle Street /Lehaunstown Lane junction
Ancillary services undertaken by the Council, which are necessary to support the Scheme, and the public infrastructure and facilities listed above

## **APPENDIX IV**

*It is intended that the Development Contribution Reduction Agreement (i.e. the DCRA) will include but not be limited to clauses to deal with the following underlisted matters and others as agreed.*

1. APPLICATIONS FOR QE ASSESSMENT (AQEA) AND ISSUE OF VALIDATION CERTIFICATES
2. SUPPLEMENTAL VALIDATION CERTIFICATES
3. REDUCTION RIGHTS AND VALIDATION CERTIFICATES
4. PHASED PAYMENT AGREEMENTS
5. PROVISIONS RELATING TO TITLE AND CERTIFICATES OF SAME
6. DISPUTE RESOLUTION PROCEDURE
7. IDENTIFICATION OF LOCAL AUTHORITY REPRESENTATIVE
8. IDENTIFICATION OF DEVELOPER REPRESENTATIVE
9. SAFEKEEPING OF RECORDS
10. NO PREJUDICE TO THE CARRYING OUT BY THE PLANNING AUTHORITY OF ITS STATUTORY FUNCTIONS
11. EACH PARTY TO PAY OWN PROFESSIONAL FEES
12. RIGHT OF INSPECTION OF COMMON INFRASTRUCTURE WORKS BY THE LOCAL AUTHORITY'S REPRESENTATIVE
13. ENTIRE AGREEMENT CLAUSE
14. NO LIABILITY FOR CONSEQUENTIAL LOSS
15. NO PARTNERSHIP OR AGENCY
16. LAW AND JURISDICTION
17. NOTICES
18. SEVERABILITY
19. INTERPRETATION



## APPENDIX V

### **The underlisted principles and issues relating to Qualifying Expenditure ("QE") will be included in the PM Protocols.**

#### **1. Notices, Reporting and Assessment :**

- 1.1. The developer will notify the Council of their intention to carry out common infrastructure works and facilities, known as "common infrastructure", "CIWs" and "CI" respectively and this must be done in advance of incurring any expenditure. This notice should set out project information details, specifically programme details and order of magnitude costings. NOTE: Failure to engage with the Council at this stage may result in an application for qualifying expenditure approval ("AQEA") being disallowed in full or in part.
- 1.2. The developer will be obliged to provide regular updates to the Council at key project stages and at regular intervals.
- 1.3. The developer will be obliged to make the Council aware of changes that may impact the value associated with the CIWs being constructed. This should be done in advance and every effort should be made to remove / mitigate additional cost throughout the design stages.
- 1.4. The developer will need to provide a suite of completion documents before an AQEA can be finalised. This will encompass opinions on compliance and collateral warranties from the designers and contractors involved.
- 1.5. A formal AQEA will be made by the developer. The AQEA will include all contractual, commercial and design detailed information necessary to support the application. The developer may be requested to provide further information and clarifications and will provide this as requested.
- 1.6. Where QE has been established, a Validation Certificate will be issued by the Council upon completion of a satisfactory review of the AQEA and its supporting documentation. The effect of this certificate will be provided for in the terms of the DCRA.
- 1.7. The PM Protocols will identify the role of an independent construction cost and procurement expert (appointed by the Council) to review and make recommendations to the Council. The expert will be an independent chartered quantity surveyor – (personal or firm), registered with the Society of Chartered Surveyors Ireland (SCSI).
- 1.8. All costs must be supported by satisfactory proof of contract and expenditure. A Validation Certificate cannot be issued in the absence of comprehensive proofs as aforesaid.

#### **2. Value for Money:**

- 2.1. Industry standard project controls are to be adopted throughout the project stages to ensure Value for Money is always being pursued by developers and their respective professional team in the delivery of CI. This should be central to the developer's professional team's strategy when designing the CIWs, phasing, compiling specifications and tendering for prices and construction. It is therefore imperative that the developers who deliver CI do so in a way which maximises the Value for Money achieved and demonstrates that the costs are in line with industry norms.
- 2.2. Competitive tendering will need to be demonstrated. The developer must demonstrate that that the successful quotes utilised are in line with market standards and are economically advantageous.

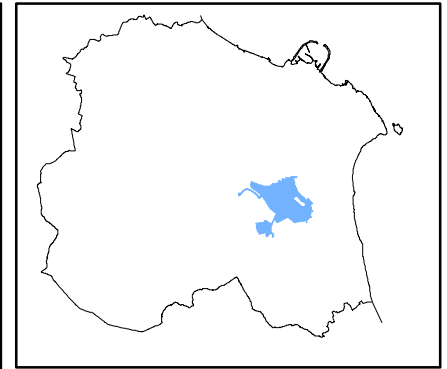
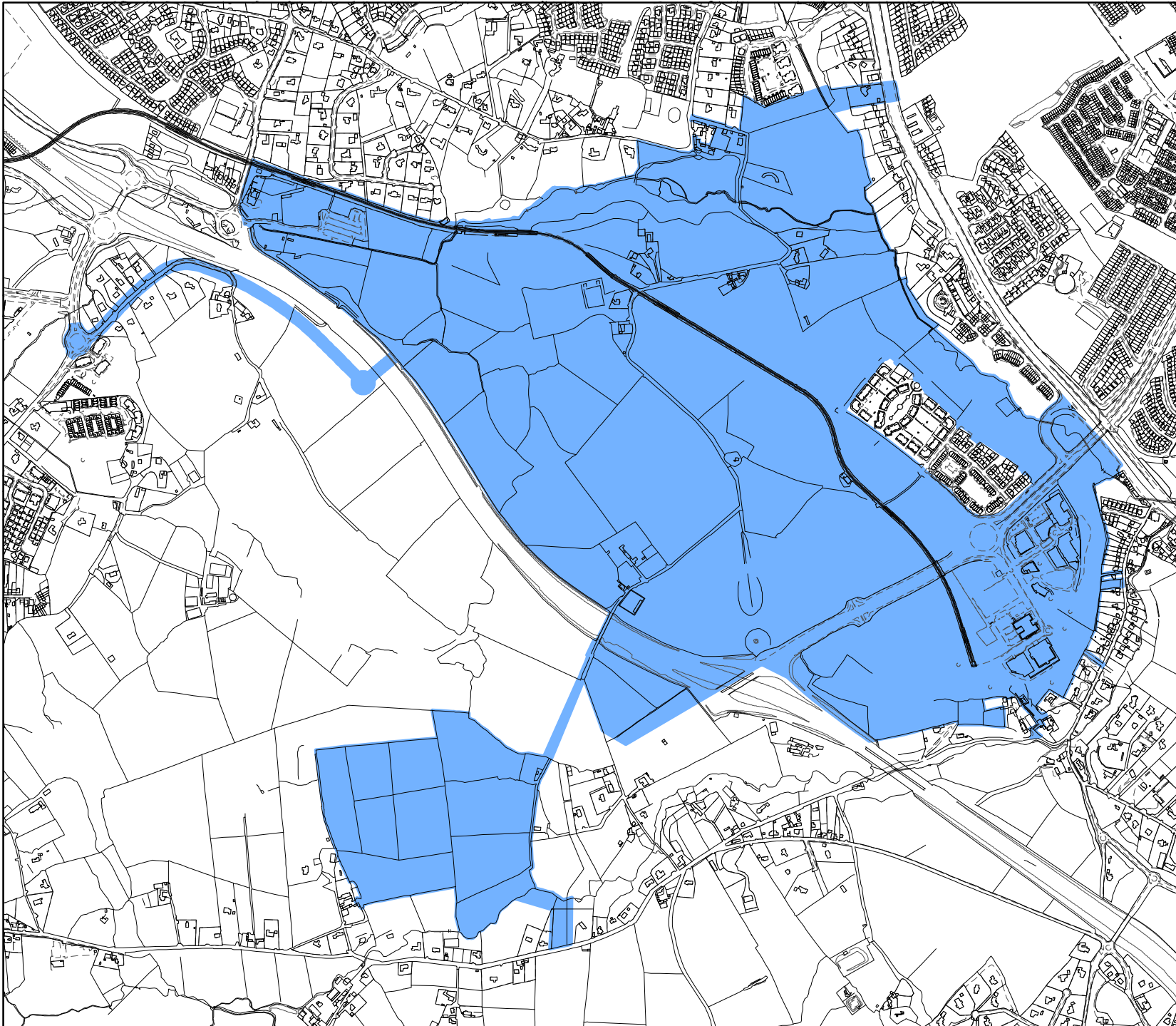
#### **3. Scope of QE: See next page**


<b>Item No.</b>	<b>COLUMN A CI eligible for consideration as QE</b>	<b>Item No.</b>	<b>COLUMN B– "Other Physical Infrastructure" not eligible for consideration as QE</b>
<b>A1</b>	<b>Road Construction</b>	<b>B1</b>	<b>Foul Sewer Networks</b>
A1.1	Site Clearance	B1.1	All foul sewer infrastructure
A1.2	Fencing		
A1.3	Earthworks	<b>B2</b>	<b>Watermain Networks</b>
A1.4	Subbase	B2.1	All potable water infrastructure
A1.5	Base Course		
A1.6	Asphalt	<b>B3</b>	<b>Gas Networks</b>
A1.7	Seal	B3.1	All gas network works
A1.8	Road Marking		
A1.9	Kerbing	<b>B4</b>	<b>Electrical Infrastructure</b>
A1.10	Footpaths	B4.1	All Electrical infrastructure works Inc. ducting (excluding street lighting network)
A1.11	Cycle-lanes		
		<b>B5</b>	<b>Communication (Comms) Infrastructure</b>
		B5.1	All communication infrastructure including ducting (excluding
<b>A2</b>	<b>Road Furniture</b>		Comms work to Traffic Signals and RTPI Signage)
A2.1	Street Signs		
A2.2	Guardrails	<b>B6</b>	<b>Parks</b>
A2.3	Handrails	B6.1	Buildings within Parks (unless clearly stipulated in the Cherrywood Planning Scheme, listed in Appendix III of the Section 48 Scheme
A2.4	Fencing		
A2.5	Street Lighting - incl. power supply		
A2.6	Traffic Signals - incl. power and comms supply	B6.1	Roads to & within Parks (unless clearly stipulated in the Cherrywood Planning Scheme, listed in Appendix III of the Section 48 Scheme
A2.7	Bus Shelters		
A2.8	Real Time Passenger Information Signage		
<b>A3</b>	<b>Landscaping</b>		
A3.1	Street Trees		
A3.2	Seeding		
A3.3	Turfing		
<b>A4</b>	<b>Storm Water Drainage Systems (for road catchment only)</b>		
A4.1	Storm Water Sewers		
A4.2	Manholes		
A4.3	Gullies		
<b>A5</b>	<b>Surveys:</b>		
A5.1	Topographical Surveys		
A5.2	Geotechnical Investigations		
A5.3	Archaeological Surveys		
A5.4	Compliance Survey (Camera survey of sewers, drains etc.)		
<b>Continued on the next page</b>			

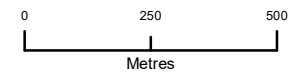
	<b>3.Scope of QE, continued</b>
	<b>C – Notes</b>
C1	Column A defines the elements of work which are considered as “Public infrastructure” and facilities otherwise known as “Common Infrastructure” (i.e. “CI”) and are eligible to be considered as Qualifying Expenditure
C2	Column B defines some elements of work which are considered as "other infrastructure" and are <b>not</b> eligible to be considered as Qualifying Expenditure
C3	Common Infrastructure in relation to roads is defined as works within the road corridor boundaries only
C4	Only CI listed in Appendix III of the Cherrywood Development Contribution Scheme are considered to comprise infrastructure eligible for the purpose of an AQEA.
C5	Consultants’ fees related specifically to the core design team associated with Infrastructure listed in Column A will be eligible for consideration as QE, subject to a maximum of 15% of the amount of QE less the amount of all such consultants’ fees.
C6	Consultants’ fees related to the core design team associated with infrastructure listed in Column B will not be eligible for consideration as QE.
C7	The contents of this Appendix V are not exhaustive and will be more extensively provided for in the DCRA.

**APPENDIX VI**

**Cherrywood Planning Scheme Area (coloured in blue)**




**Section 48**  
 Cherrywood Planning  
 Scheme 2014 (as Amended)  
 Area



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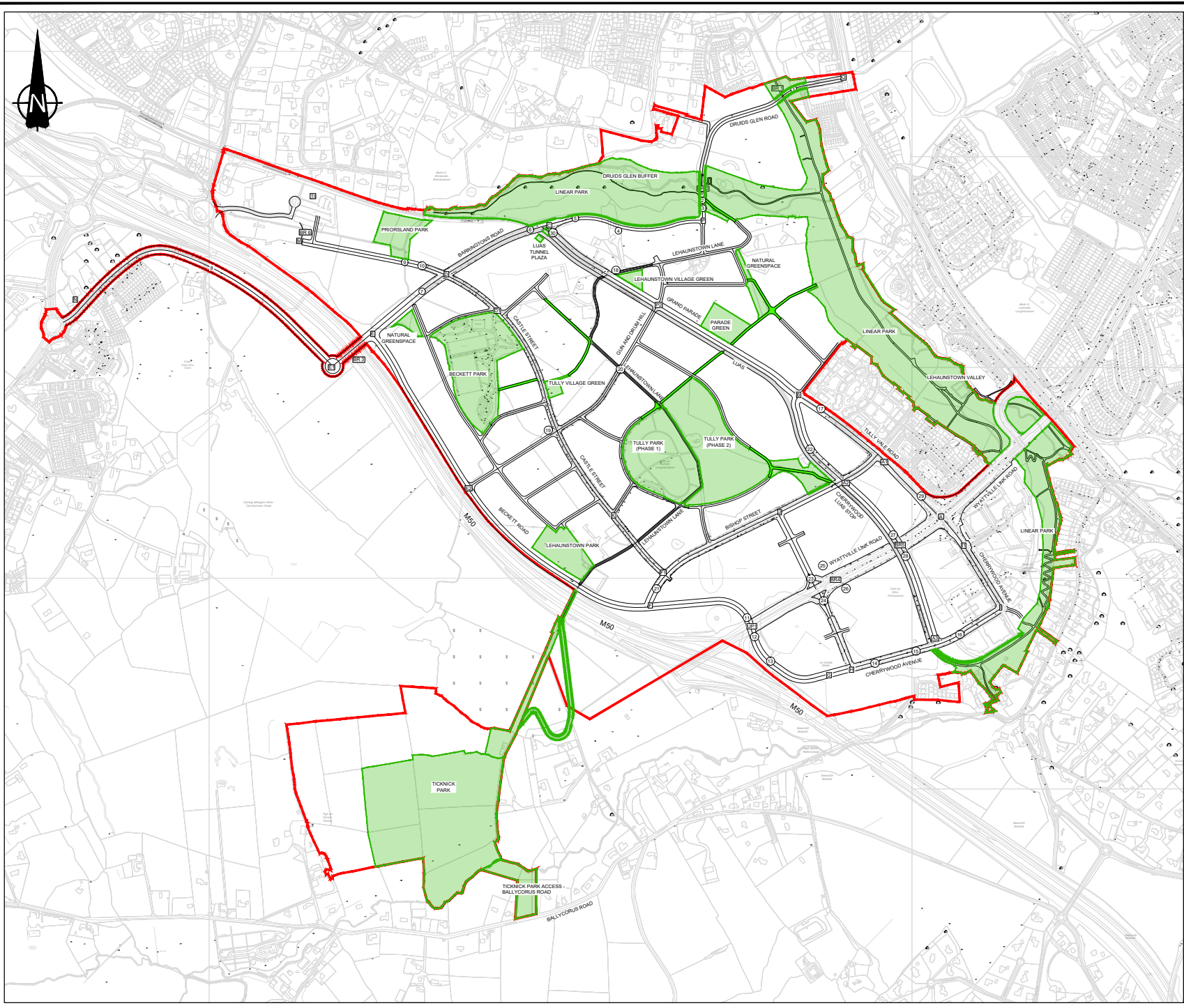
Forward Planning Infrastructure

Anne Devine  
 Director of Forward Planning  
 Infrastructure



**Draft Development Contribution Scheme in respect of  
 development in the Cherrywood Planning Scheme  
 Area 2023-2028**

Senior Planner: LMcG/LW/GR/SMcD	Chief Tech:
Prepared By: M.Hennessy	Drawn By: O. Feighery
Date: June 2023	Scale: 1:15,000
Drawing No: PL-23-041	



This drawing is produced using the Irish Transverse Mercator (ITM) Geographic Coordinate System

**A1**

**NOTES:**

- 1. THIS MAP IS ILLUSTRATIVE ONLY.

**LEGEND:**

- CHERRYWOOD PLANNING SCHEME BOUNDARY
- CLASS 1 - COMMUNITY, PARKS & RECREATIONAL FACILITIES AND AMENITIES
- CLASS 1 - COMMUNITY, PARKS & RECREATIONAL FACILITIES AND AMENITIES (GREENWAYS)
- ROAD LAYOUT FOR REFERENCE ONLY

B	ISSUED FOR SECTION 48 SCHEME	FR	07/09/23
REVISION	DESCRIPTION	INITIALS	DATE



**FORWARD PLANNING INFRASTRUCTURE**  
 CHERRYWOOD DEVELOPMENT AGENCY  
 HARBOUR SQUARE, CRISTON ROAD, DUN LAOGHAIRE  
 Phone: 01-2045700 Web: www.dlrcoco.ie

Anne Devine  
 Director of Services

PROJECT TITLE:  
**DRAFT CHERRYWOOD PLANNING SCHEME SECTION 48 DEVELOPMENT CONTRIBUTION SCHEME 2023-2028**

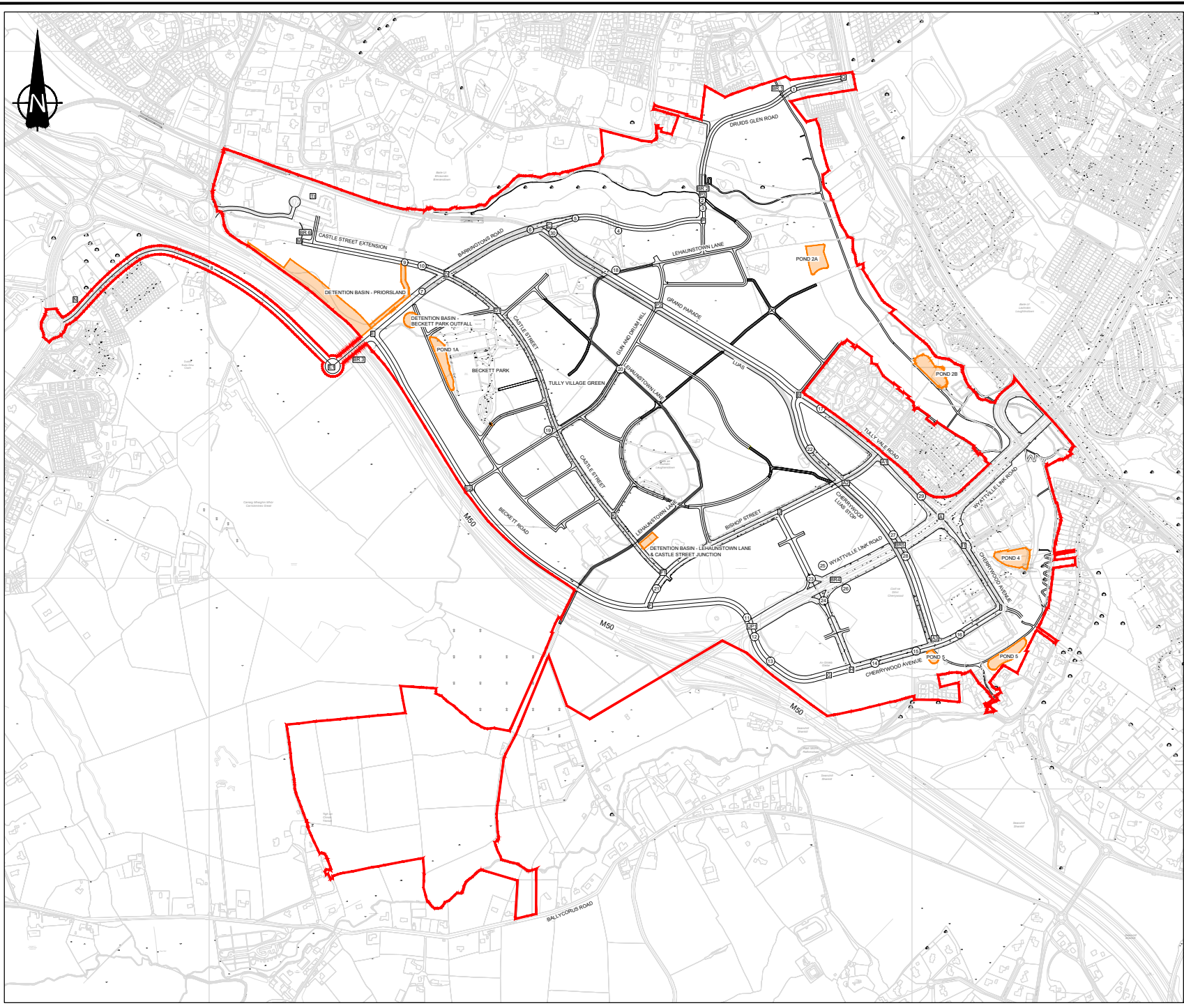
DWG. TITLE:  
**CLASS 1 - COMMUNITY, PARKS & RECREATIONAL FACILITIES AND AMENITIES (MAP 1 of 3)**

DATE: SEPTEMBER 2023	PREPARED BY: PPK
SCALE: 1:5000 @A1	CHECKED BY: FR
DRAWING No: DLR-FPI-D-GENR-185	REVISION No: B

FILE PATH:  
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 Dun Laoghaire-Rathdown County Council.

File Name: 20230923\_Dun - Forward Plan





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A1

**NOTES:**

- 1. THIS MAP IS ILLUSTRATIVE ONLY.

**LEGEND:**

- CHERRYWOOD PLANNING SCHEME BOUNDARY
- CLASS 3 - SURFACE WATER INFRASTRUCTURE AND AMENITIES

B	ISSUED FOR SECTION 48 SCHEME	FR	07/09/23
REVISION	DESCRIPTION	INITIALS	DATE



**FORWARD PLANNING INFRASTRUCTURE**  
 CHERRYWOOD DEVELOPMENT AGENCY  
 HARBOUR SQUARE, CRISTON ROAD, DUN LAOGHAIRE  
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Anne Devine  
 Director of Services

**PROJECT TITLE:**  
 DRAFT CHERRYWOOD PLANNING SCHEME  
 SECTION 48 DEVELOPMENT CONTRIBUTION  
 SCHEME 2023-2028

**DWG. TITLE:**  
 CLASS 3 -  
 SURFACE WATER INFRASTRUCTURE  
 AND AMENITIES (MAP 3 of 3)

DATE: SEPTEMBER 2023	PREPARED BY: PPK
SCALE: 1:5000 @A1	CHECKED BY: FR
DRAWING No: DLR-FPI-D-GENR-187	REVISION No: B

FILE PATH:  
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Plot Date: 28/09/2023 User: AnneDevine