

Galway City Council

Development Contribution Scheme 2020-2026

In accordance with Section 48 of the Planning and Development Act 2000 (as amended)



Galway City Council
Development Contribution Scheme 2020-2026

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

INTRODUCTION

1. 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 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).
2. (a) Subsection (2) of Section 48 requires that the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section.

(b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.
3. (a) Subsection (3) of Section 48 specifies that a scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.

(b) In stating the basis for determining the contributions to be paid, the scheme must indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.

(c) A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provision of the scheme.

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

DEFINITIONS

5. 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, 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 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 spaces, 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,
 - (h) any matters ancillary to paragraphs (a) to (g).

"scheme" means a development contribution scheme made under Section 48 of the Act.

RATIONALE FOR DEVELOPMENT CONTRIBUTIONS

6. When new development occurs it impacts on the capacity of existing infrastructure networks. Such development places a greater demand on the services that Galway City Council provides. It is considered equitable that developers contribute to the financial burden associated with the provision of enhanced infrastructure networks facilitating new development. However, the Development Contribution Scheme ensures that the cost on infrastructural improvements does not fall disproportionately on new development and takes account of benefit to existing development. This proposed Development Contributions Scheme 2020 – 2026 is designed to address infrastructural deficits and advance provision for new development in Galway City. This strategy is proposed in order to maintain the City's attractive living environment, competitiveness as an employment location, encouraging economic, social and cultural activity and promoting environmental and sustainable development patterns.

AREA OF SCHEME

7. The scheme shall apply to the City of Galway being the administrative area of Galway City Council (“the Council”).

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 Galway City Council reserves the right to prepare and adopt a separate Section 48 Development Contribution Scheme for that particular area, at which point the charges payable under this scheme would no longer apply in that area.

In addition, Section 48 (2) (c) continues to apply, that is, it is the discretion of the Planning Authority to require the payment of a special contribution where applicable. Where a Section 49 Supplementary Development Contribution scheme is also in place, this scheme will apply in addition to current proposed scheme. (Currently none in place).

BASIS FOR DETERMINATION OF DEVELOPMENT CONTRIBUTION

8. The determination of the proposed development contribution under the Galway City Council Development Contribution Scheme 2020 -2026 (“the Scheme”) is based on legislative provision, departmental circulars, and the growth targets for Galway City Council in the National Planning Framework and Regional Spatial Economic Strategy / Metropolitan Area Strategic Plan.

In particular, attention has been given to current market conditions and the objective to promote sustainable development and housing delivery to meet these population delivery targets.

The following have been taken into consideration as the basis for determination of the contribution under the proposed scheme:

- (a) The estimated cost of provision of public infrastructure and facilities which have been identified as important to enable development of the City. **See Appendix 1.** These specifically relate to the years up to and including 2026 for five classes of public infrastructure and facilities. This calculation excludes any benefit, which accrues in respect of existing development.
- (b) The aggregated amount of existing development and the estimated projected amount of future development.
- (c) The proposed development contributions payable per m² of residential and non-residential were determined following consideration of a number of factors:
 - Estimated cost of the proposed capital projects
 - Level of existing rates
 - National Planning Framework / Regional Spatial Economic Strategy and Metropolitan Area Strategic Plan population targets

The proposed scheme applies a flat rate per m² for residential development to ensure there is an equitable charge applied to 1 and 2 Bed units which are critical to reflect the gradual reduction in the average household size.

The proposed scheme applies a flat rate per m² for non – residential development with associated reductions for certain categories of commercial development.

DEVELOPMENT CONTRIBUTION SCHEME

9. This Galway City Council Development Contribution Scheme, 2020-26 ("the Scheme") is made under Section 48 of the Planning and Development Act, 2000, as amended ("the Act").
10. Under the Scheme, Galway City Council will, when granting a planning permission under Section 34 of the Act, include conditions for requiring the payment of a contribution (the amount of which is indicated below under the heading Level of Contribution) in respect of public infrastructure and facilities benefiting development in Galway City that is provided, or that it is intended will be provided, by or on behalf of Galway City Council (regardless of other sources of funding for the infrastructure and facilities).

A list of proposed Capital Projects, which is indicative only, is set out in **Appendix 2** of this proposed Scheme.

LEVEL OF CONTRIBUTION

11. Under the scheme the contributions to be paid (except where an exemption or a reduced contribution applies) in respect of the different classes of public infrastructure and facilities are as follows:

Class of Public Infrastructural Development	€ per square metre of Residential Development	€ per square metre of Non Residential Development
Class 1: Transport / Roads infrastructure & facilities	37.94	21.07
Class 2: Recreation and Amenity	8.55	4.75
Class 3: Environment and Climate Change	5.88	3.27
Class 4: Community and Culture	18.45	10.25
Class 5: Urban Regeneration facilities & amenities	19.18	10.66
Total of Contributions Payable	90	50

Note 1: This Scheme will take effect following the publication of the Draft Scheme and the making of the new Scheme by Members of the Planning Authority with or without amendment or modifications, following consideration by the Members of all submissions and observations received.

This Scheme will be applicable in respect of existing permissions granted before this date which have not yet commenced as provided for in Section 48 (3A) of the Planning and Development Act 2000 (as amended).

The above rates shall be fixed from the commencement of the Scheme once adopted.

Consideration may be given to applying indexation to the rates of contribution effective from 1st January 2022 in consideration of the SCSi Construction Tender Price Index.

Definitions of Waivers and Reductions

12. Section 48 (3) (c) of the Act allows for a reduction in contributions or exemption from payment of a contribution in certain circumstances as defined under the terms of the Scheme.

The following categories of development are those where such reductions or waivers from the requirement to pay the full development contributions will apply. In this regard targeted support has been directed at promoting social inclusion, sustainable development and economic activity. These rates do not include where exceptional costs might have to be incurred to provide a specific public facility or piece of infrastructure.

Category of Development	Reduction %
	R (@ residential rate) N (@ non- residential rate)
Provision of facilities by organisations considered to be exempt from Planning fees as outlined in Part 12, Article 157 of the Planning and Development Regulations 2001 as amended	100%
General community facilities provided for by voluntary or not-for-profit groups that are recognised by the Council as such, e.g. community childcare facilities, youth centres supported /sheltered accommodation	100%
Non-fee paying primary schools and secondary schools	100%
Development to be used exclusively for social, recreational or religious purposes and not to be used for any profit or gain	100%

Development to be used as a workshop, training facility, hostel or other accommodation specifically for persons with disabilities and not to be used for any profit or gain	100%
Development solely in respect of the element of works in receipt of a Housing Adaption Grant	100%
Social housing units, which are purchased in accordance with an agreement made under Part V of the Planning & Development Act 2000 Act (as amended) or which are provided by or on behalf of a Voluntary or Co-operative housing body which is recognised as such by the Council, in accordance with an agreement made under Part V of the Act (as amended)	100%
Affordable housing units provided, in accordance with an agreement made under Part V of the Planning & Development Act 2000 (as amended), or which are provided by a voluntary or co-operative housing body which is recognised as such by the Council or as part of the Government's various Affordable Housing Schemes	50%
Housing units made available under the Council's Scheme of Priority for Affordable Dwelling Purchase Arrangements under Section 85 of the Housing (Miscellaneous Provisions) Act 2009 as amended and the Housing (Miscellaneous Provisions) Act 2009 (Part 5) Regulations 2019 (S.I. No. 81 of 2019)	50%
Domestic extensions to dwellings including 'granny flats', shed/store /garages used solely for purposes incidental to a dwelling house	100%
Modification/revision to a permitted live grant of permission for residential development, including a change of house type or amendment to a site layout, but only where the scale of the house doesn't increases by more than 40 m ² . The contribution payable at commencement will regardless be in accordance with Section 48 (3A) of the Planning and Development Act 2000	No change in rate from the original development contribution in certain circumstances
Restoration/refurbishment works on protected structures (listed on RPS) where the Planning Authority is satisfied that the works substantially contribute to the conservation /restoration of the protected structure. Where this involves an increase in floor	30% * (R/N)

space full rate of contribution will apply to the additional floor space	
<p>The non-built elements of recreational facilities (e.g. Playing pitches, golf courses.</p> <p>Note: The non-residential rate will apply to floor areas of associated buildings that have potential for commercial purposes (e.g. bars /function rooms</p>	100%
<p>In respect of permission for change of use the rate will depend on the opinion formed by the Planning Authority regarding the likely intensification of demand on infrastructure facilities including transportation.</p> <p>(A) Where intensification of demand is considered following on the opinion formed by the Planning Authority a rate of an appropriate % of the normal rate will apply</p> <p>(b) Where re-development/change of use of non-residential projects involves an increase in floor space the full rate of contribution will apply to the additional floor space</p>	% as deemed appropriate
<p>Developments permitted by way of a temporary permission will attract a reduced rate</p> <p>Note: If full (non-temporary) permission is subsequently granted, the normal rate, less any reduced rate already levied, will apply</p>	<p>33% of the normal rate for permissions of up to 3 years;</p> <p>50% of the normal rate for permissions of up to 5 years;</p> <p>66% of the normal rate for permission of up to 10years</p>
<p>Where permission is granted to demolish in part or in full a non-residential building and replace with another of similar use</p> <p>Note: Contributions will only apply to the increased floor area of the new build over the old</p>	100%

In the case of the replacement dwelling house where demolition is required and there is no increase in the number of units granted by permission	100%
Agricultural Buildings and structures including horticultural development	80%
Car parking assessed as being ancillary to the proposed development, and generally in line with maximum Development Plan standards, whether surface or non-surface which does not generate revenue	100%
Car parking assessed as being non-ancillary to a proposed development or designed specifically for commercial renting	30% (N)
Park and Ride Facilities - reduced rate when certified as contributing to the Galway Transportation Strategy and / or Smarter Travel initiatives	75% (N)
Bus garages /forecourts	50% (N)
Vehicle display area spaces (for the purposes of sale)	90% (N)
Open storage / hard surface non-residential space development (uncovered storage space), including forecourt development, but not car-parking or truck parking	10% (N)
Masts and antennae, dish and other apparatus/equipment for communication purposes that form part of the National Broadband Scheme	100%
Renewable energy development with a capacity up to 0.5MW will be exempt. Note: Larger capacity development will be charged at €1,000 per each 0.1MW above an installed capacity of 0.5MW	100%
Power Lines, Antennae Structures, Sewer / Drainage / Road Construction / Provision of infrastructural facilities	100%
Substations / Switch Rooms/Ancillary plant rooms (where plant is not core activity/operation)	100%
Signage / Shop Fronts, Entrance Gates / Railings / Fencing, Elevational Alterations, Internal layout change – Where no additional floor area is created	100%
Buildings and structures where the primary use is for manufacturing, storage/warehousing and / or distribution	50%

For clarification purposes, the following development is required to pay development contributions;

- Third level educational institutions
- Student accommodation
- Fee paying schools
- Hospitals, medical facilities, primary care centres and similar developments including any ancillary buildings

13. ANCILLARY NOTES

TEMPORARY PERMISSIONS:

Temporary permissions shall be liable for development contributions at 50% of the applicable rate of contribution. Further temporary permissions granted for the same development will not be charged provided they are granted within 5 years from the expiry date of the original temporary grant of permission (a maximum of one such additional temporary permission will apply). In cases where a subsequent full planning permission is granted for the same development the contribution payable on the new proposal will be net of the amount already paid.

RETENTION PERMISSIONS. Irrespective of the exceptions/reductions set out in Table 5 in the case of retention permissions, No reductions in whole or in part shall apply to permissions for retention of development.

All such development contributions will be charged at a multiple of 1.25 times the applicable rate of development contributions.

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 developer.

FLOOR AREA. The floor area of proposed permitted development shall be calculated as the gross floor area. This means the area ascertained by the internal measurement of the floorspace on each floor of a building (including internal walls and partitions) and including mezzanine floors. In the case of multi-unit residential buildings, only the gross floor area of each residential unit will be included. The details should be included in the planning application in the schedule of accommodation.

PAYMENT OF CONTRIBUTION

14. Conditions requiring payment of the contributions provided for in the Scheme will be imposed in all decisions to grant planning permissions made following the making of the Scheme by the Council. The operative date of the scheme will be the effective date as specified once adopted.
15. The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed by the Council. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in the Note 1 to the table at Article 11 above.
16. The Council may facilitate the phased payment of contributions payable under the Scheme, and the Council may require the giving of security to ensure payment of contributions, where the contribution exceeds €100,000.
17. The Council, in accordance with statutory powers, may recover as a simple contract debt in a court of competent jurisdiction any contribution (including interest and legal costs) due to it under the terms of this scheme. Furthermore, the Council may instigate enforcement action under the Planning and Development Act, 2000 as amended in respect of unpaid development contributions and all associated costs and fees.

APPEAL TO AN BORD PLEANÁLA ("the Board")

18. 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.

SPECIAL DEVELOPMENT CONTRIBUTIONS

19. 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 infrastructures 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").

REVIEW OF SCHEME

20. The Scheme will be implemented following its adoption by the Council and will cease, unless a new scheme is made beforehand, in December 2026.
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.

APPENDIX 1

COSTS INCLUDED IN SCHEME

Costs attributable in the lifetime of the scheme to the classes of infrastructure and facilities:

<i>Class of Infrastructure/Facilities</i>	<i>Public</i>	<i>Costs included in scheme</i>	<i>Contribution Allocated</i>	<i>% of Total Cost</i>
Class 1:Transport /Roads		218,500,000	61,180,000	42.15
Class 2: Recreation and Amenity		49,260,000	13,792,800	9.50
Class 3: Environment and Climate Change		33,850,000	9,478,000	6.53
Class 4: Community and Culture		106,300,000	29,764,000	20.50
Class 5: Urban Regeneration		110,500,000	30,940,000	21.32
TOTAL		518,410,000	145,154,800	100%

Class 1 Transport /Roads would include for the provision of measures in the GTS, traffic management junction upgrades, car parking, cycling and walking infrastructure and facilities, road improvements traffic calming measures, traffic management facilities /measures including software, bus priority bus facilities.

Class 2 – Provision and management of open space lands in general, park management plan development, recreation and sports facilities, changing rooms, additional planting, and biodiversity, remediation measures. Leisure land works.

Class 3 – Environment, Climate Change, Surface Water, SUDS, CFRAM Flood defences, waterways and beaches

Class 4 – Community centres, library, burial grounds, cultural and art facilities, restoration of castles

Class 5 – Urban Regeneration, facilities and amenities

APPENDIX 2

PROJECT LISTS:

The list below summarises many of the projects to be funded from development contributions for the period 2020 – 2026. It should be noted that the projects shown are indicative only based on current demands for infrastructure from the various Directorates. There will be an ongoing review of the infrastructure and facilities which can be funded during the lifetime of the Scheme, based on the levels of actual development contributions collected and any funding costs which apply. Other projects may be substituted where appropriate within the overall approved budget.

Class 1 – Transport / Roads

- Galway N6 Transport project – N6 Galway City Ring Road
- N6 Multi-Modal Corridor Enhancement
- Pedestrianisation/Shared Surfaces and associated Public Realm projects
- Parkmore & Ardaun Access improvements
- Galway City Centre Transport Management Plan
- Extension of Adaptive Urban Traffic Control System
- Dublin/Galway/Connemara/Links Greenway
- Bus Corridors and upgrade works
- Cycle parking upgrades and extensions
- Signage and wayfinding scheme
- Salmon Weir Bridge and Pedestrian & Cycling Bridge on Old Clifden Railway Bridge
- Junction Safety Improvement Schemes
- Galway City Park & Ride
- Galway Cycling Strategy Implementation
- Public Lighting LED Retrofit
- Bothar an Choiste Road & Merlin Lands Road Upgrade – Housing Related Projects

Class 2 - Recreation and Amenity

- New Burial Ground and extension and upgrade works to existing cemeteries
- Allotments and Community Gardens
- Neighbourhood Parks, Play and Sports Facilities including major Watersports Capital Projects
- Kingston and South Park Masterplan Amenities and Upgrades, Barna Lough Rusheen City Park
- Blackrock Diving Tower Restoration Project
- Greenway & Woodland Amenity Plans
- Bruach na Coiribe (River Walk) Upgrading Scheme

- Recreation & Amenity Depots & Nursery Upgrading Construction Programme
- National Pollinator Plan Implementation
- Kennedy Park, Eyre Square Upgrading and Suitability for Events
- Beach & Water Safety Infrastructure Project
- Works at Terryland Forest Park, Dangan Woods, Merlin Woods City Park, Fr. Burke Park, South Park, Woodquay Park, Menlo Castle Park Lands
- Universal Access Exercise Parks & Age Friendly Recreation Facilities
- Dressing Room Facilities – Universal/Public Access Strategy
- City Wide Tree Management Strategy Plan
- Green Flag Strategic Plan Improvements
- Ardaun Local Area Plan 2018 – 2024 – Amenity Infrastructure

Class 3 – Environment and Climate Change

- Galway City East Fire Station
- CFRAMs Project and Flood Protection Infrastructure
- Galway Canal Network Enhancements
- Upgrading and Provision of New Automatic Public Conveniences - Toilets
- Upgrade to beach infrastructure to include parking and facilities for visitors and enhancements to Blue Flag beaches
- Expansion of Solar Bin Programme
- Energy upgrades for City Hall, civic facilities and community buildings
- Climate Action Plan Infrastructure and Supports
- Gravity Surface Water Sewer MUHDS Ardaun Site

Class 4 - Community and Culture

- Atlantic Museum, Galway Refurbishment
- Galway City Cultural Campus incorporating visual art space
- Lenaboy Castle Creative Campus
- Merchants Road Cultural Space
- No 47 Dominic Street
- Leisureland
- Nun's Island Theatre
- Waterworks- Dyke Road
- Town Hall Theatre

Class 5 - Urban Regeneration

- Pedestrian & Cycling Bridge on Old Clifden Railway Bridge
- Liosban Regeneration Project
- Dyke Road Regeneration

