

Comhairle Contae Chorcaí
Cork County Council



Water-Rock Development Contribution Scheme
2021-2041

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

Adopted by Council: 26th April 2021.

LEGISLATIVE CONTEXT

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

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

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

Subsection 2(b) of Section 48 of the Act provides that a scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.

3. Subsection 3(a) of Section 48 of the Act 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.

Subsection 3(b) of Section 48 of the Act requires that 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.

Subsection 3(c) of Section 48 of the Act provides that 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) of Section 48 of the Act specifies that a planning authority may facilitate the phased payment of contributions under Section 48 and may require the giving of security to ensure payment of contributions.

DEFINITIONS

5. Subsection (17) of Section 48 of the Planning and Development Act 2000 as amended 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, and
 - (h) any matters ancillary to paragraphs (a) to (g)".

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

"*Countywide Contribution*" refers to the level of contribution determined within this Scheme using the contribution rates in Table 1.

"*Water-Rock Specific Contribution*" refers to the level of contribution within this Scheme using the contribution rates in Table 2.

"*Local Authority*" or "*Planning Authority*" means Cork County Council or 'the Council'.

"*Scheme Area*" is shown highlighted blue within the red boundary outline on the map in Appendix III; it identifies the area where this Scheme will apply and the existing general development contribution scheme will no longer be applied.

DEVELOPMENT CONTRIBUTION SCHEME

6. This Scheme is entitled the "Water-Rock Development Contribution Scheme 2021-2041 and made under Section 48 of the Planning and Development Act 2000, as amended ("the Act"). The Scheme is for a period of 20 years.
7. Under the Scheme, Cork County Council will, when granting a planning permission under Section 34 of the Act, include conditions requiring the payment of contributions in accordance with the terms of the Scheme.

BASIS FOR DETERMINATION OF CONTRIBUTION

8. The total contribution under the Water-Rock Development Contribution Scheme 2021-2041 ("**the Scheme**") is the sum of two contribution parts: the Countywide Contribution and the Water-Rock Specific Contribution; the basis for determination of which is as follows:
- The aggregated floor areas in square metres of development that is projected to take place over the lifetime of the Scheme, in each of the two classes or descriptions of development; residential and non-residential. These floor areas are given in Section B of Appendix I of this Scheme.
 - The costs in accordance with Section A of Appendix I of the Scheme.
 - Assessment of the level of existing contribution rates and market conditions.
 - Exemptions and reductions that reflect the Planning Guidelines No. 24 (the "Development Contributions-Guidelines for Planning Authorities January 2013" published by the Department Housing, Local Government and Heritage) and a review of the existing exemptions and reductions.

LEVEL OF CONTRIBUTION

9. The level of contributions to be paid under **the Scheme** to the different classes of public infrastructure and facilities for development is set out below for both parts of the total contribution.

Countywide Contribution (the level of contribution for this part is calculated using the contribution rates in Table 1 which are the reduced contribution rates for the Cork Area Strategic Plan (CASP) area from the Cork County Council General Development Contribution Scheme adopted March 2004, last updated 1st January 2015).

Table 1 Countywide Contribution Rates (€ per m²)

	Classes of Development				
	Residential Development	Non-Residential Development			
	All	Office and Retail	Other	Warehouse*	Horticulture**
Class of Public Infrastructure and Facilities	€ per m ²	€ per m ²	€ per m ²	€ per m ²	€ per m ²
Class 1: Roads	4.42	10.72	3.57	3.57	1.785
Class 2: Amenity	6.80	6.11	2.03	2.03	2.03
Total Contribution Rate	11.22	16.83	5.60	5.60	3.82

*Warehouse (enclosed storage)

**Horticulture enclosed development/intensive animal husbandry

Countywide Contribution notes:

- No. 1 *Developments in the Scheme Area will have a 75% reduction in the Class 1 Roads contribution rate of the Countywide Contribution Part to be levied due to the proximity to the eastern rail corridor. Table 1 provides the reduced rates which will apply to the entire Scheme Area.*
- No. 2 *The Countywide contribution from developments in the Scheme Area shall be used to contribute to the proportionate funding of countywide infrastructure.*

Water-Rock Specific Contribution (the level of contribution for this part is calculated using the rates in Table 2).

Table 2 Water-Rock Specific Contribution Rates (€ per m²)

	Classes of Development	
	Residential Development	Non-Residential Development
Class of Public Infrastructure and facilities	€ per m ²	€ per m ²
Class 1: Roads, Transport Infrastructure and Facilities	41.66	49.11
Class 2: Parks and Community Facilities and Amenities	14.74	17.38
Total Contribution Rate	56.40	66.49

Water-Rock Specific Contribution notes:

- No. 1 *Roads, Transport Infrastructure and Facilities – to include the provision of roads, refurbishment, upgrading, enlargement or replacement of roads, provision of infrastructure to facilitate public transport, cycle and pedestrian facilities, land acquisition, traffic calming measures and the provision of associated surface water infrastructure.*
- No. 2 *Developments which are liable for supplementary contributions towards the Rail Project are not eligible for a 75% reduction in the Class 1 Roads, Transport Infrastructure and Facilities contribution rate of the Water-Rock Specific Contribution to be levied.*
- No. 3 *Parks and Community Facilities and Amenities – to include the provision of open spaces, parks, amenities, walkways, playgrounds, landscaping works, the provision of recreational and community facilities.*
- No. 4 *The Water-Rock Specific Contribution shall be used to fund infrastructure specific to the Scheme Area, as listed in Appendix II –Water-Rock Scheme Projects List.*

General notes:

- No. 1 *This Scheme is effective in respect of planning applications lodged with Cork County Council or An Bord Pleanála, within the Water-Rock Scheme Area boundary from the date of adoption of this Scheme.*
- No. 2 *The above rates are effective from the date of adoption of this Scheme. The level of contribution for each class of development for each part is calculated by multiplying the proposed development floor area (in m²) by the total contribution rate (in € per m²) in Table 1 and Table 2.*

- No. 3 *With the exception of ancillary non-residential surface car parking, open storage/hard surface commercial space development, the floor area of the proposed development shall be calculated as the gross floor area. This means the area ascertained by the internal measurement of the floor space 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.*
- No. 4 *New extensions to existing developments, including domestic extensions, will be charged at the above rates subject to circumstances where no contribution or a reduced contribution applies as per Paragraph 10.*
- No. 5 *The contributions under the Section 49 Supplementary Development Contribution Scheme-Cobh/Midleton - Blarney Suburban Rail Project are unchanged by this scheme and continue to apply.*

EXEMPTIONS AND REDUCTIONS

10.

Countywide Contribution Only

Ref	Category	Reduction
a.	First 40 m ² (square metres) of conventional houses (i.e. excluding apartments and duplexes)	100%

All other Exemptions and Reductions apply to both parts of the Total Contribution

Ref	Category	Reduction
b.	Provision of facilities by organisations which are considered exempt from planning fees as outlined in Part 12 Article 157 (1a-c) of the Planning and Development Regulations 2001.	100%
c.	Social housing units, including those provided in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended) or which are provided by a voluntary or co-operative housing body as outlined in Part 12 Article 157 (2) of the Planning and Development Regulations 2001 which is recognised as such by the Council.	100%
d.	First 40m ² of extensions to private dwellings.	100%
e.	Non fee paying primary and secondary schools.	100%
f.	Works to Protected Structures that preserve that Protected Structure. This exemption refers to the actual structure(s) only and does not include development within its curtilage or any proposed new ancillary development.	100%
g.	Where the applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contributions payable is to be charged on the net additional floor space created.	
h.	In the case of a change of use where in the opinion of the Planning Authority, the intended use constitutes a substantial intensification of use, development contributions will be levied on the basis of the contribution rate to be applied but will be reduced by €5.60/m ² .	
i.	Open storage/hard surface commercial space development, other than carparking.	66.6%
j.	Buildings associated with the processing, distribution, supply or sale of fruit, vegetables, food or any agri or market gardening products.	50%
k.	Broadband Infrastructure (masts and antennae)	100%
l	Glasshouses, poly tunnels, garages and garden sheds. If approval is subsequently granted to convert these structures to habitable accommodation then the appropriate levy is applicable.	100%
m.	Temporary Planning Permissions.	66.6%

	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.	
n.	Domestic extensions for accommodation of disabled person(s) in cases where a Disabled Persons Grant is approved.	100%
o.	Non-built elements of recreational facilities (e.g. playing pitches).	100%

Exemption and Reductions Notes:

- No. 1 Exemptions and Reductions referenced (a) to (o) in the table above apply to the Countywide Contribution part of the Total Contribution.*
- No. 2 Exemption and Reductions (b) to (o) in the table above apply to the Water-Rock Specific Contribution part of the Total Contribution.*
- No. 3 Exemptions and Reductions shall not apply to permissions for retention of development.*
- No. 4 Exemptions and Reductions shall not apply to Special Development Contributions under Section 48.2(c) of the Act.*
- No. 5 Exemptions and Reductions shall not apply to private medical centres, primary care centres, consultant rooms and similar developments, including ancillary buildings.*
- No. 6 Exemptions and Reductions shall not apply to fee paying schools, 3rd level institutions and student accommodation.*
- No. 7 Exemptions and Reductions shall not apply to “granny flats” i.e. stand-alone, self-contained dwelling units within the curtilage of an existing dwelling unit.*

PAYMENT OF CONTRIBUTION

- 11. Conditions requiring payment of the contributions provided for in the Scheme will be imposed in all decisions to grant planning permissions made from the date of adoption of the Scheme.
- 12. The contributions under the Scheme shall be payable prior to the commencement of development or as otherwise agreed by the Council. Contributions shall be payable at the rates in Tables 1 and 2.
- 13. The Council may facilitate the phased payment of contributions payable under the Scheme.

REVIEW OF SCHEME

- 14. The Council may undertake a review of the terms of the Scheme from time to time and make a new scheme, as necessary and appropriate. This scheme will continue to apply until a new scheme comes into effect.

SPECIAL DEVELOPMENT CONTRIBUTIONS

15. A special development contribution may be imposed under Section 48 of the Act where exceptional costs not covered by the Water-Rock Development Contribution Scheme 2021 - 2041 are incurred by the Council in the provision of a specific public infrastructure or facility. (The particular works will be specified in the planning conditions when special development contributions are levied). Only developments that will benefit from the public infrastructure or facility in question will be liable to pay the special development contribution. Conditions imposing special contributions may be appealed to An Bord Pleanála.

CITATION

16. This Scheme may be cited as the Water-Rock Development Contribution Scheme (2021-2041).

APPENDIX I

SECTION A: COSTS INCLUDED IN SCHEME

Water-Rock Specific Contribution Part:

	Infrastructure Costs Included	Contributions Allocated to Scheme	Contributions Allocated
Class of Public Infrastructure and Facilities	€million	€million	%
Class 1: Roads, Transportation, Infrastructure and Facilities	€14.951	€14.603	73.9%
Class 2: Parks and Community Facilities and Amenities	€7.231	€5.158	26.1%
Total	€22.182	€19.761	100%

Countywide Contribution Part:

The amount of contribution to the two classes of infrastructure, for the projected residential development and non-residential development within the Scheme Area using the contributions payable per square metre in Table 1 of this Scheme (less the exemptions and reductions in the Scheme). The contribution allocated is €3,067,500 and will contribute to the proportionate funding of countywide public infrastructure.

SECTION B: PROJECTED DEVELOPMENT WATER-ROCK SCHEME AREA*

Floor Area in m²

Residential	Non-Residential
267,862**	70,000

*figures based on projected delivery over lifetime of Scheme

** Residential figure excludes Part V projected floor area.

APPENDIX II – Water-Rock Scheme Area Projects List

Class 1: Roads, Transportation Infrastructure and Facilities

1. Services Corridor Link Road (including extensions to rail-stop and school site MD-C-01)
2. Junction Upgrade of Cork/Midleton Road and Midleton Northern Relief Road (Knockgriffin)
3. Traffic Management Measures for Water-Rock Road (L3618)
4. Road over Rail Bridge Land Acquisition
5. Upgrade/Realignment of Water-Rock Road (L3618)
6. Surface Water Drainage System

Class 2: Parks and Community Facilities and Amenities

7. Pocket Park MD-O-10
8. Pocket Park MD-O-11
9. Linear Park MD-O-08

APPENDIX III – Map of the Scheme Area

