



**Section 49 of the Planning and Development Act 2000, as amended
Supplementary Development Contribution Scheme – Luas Cross City**

Section 49 of the Planning and Development Act 2000, as amended provides for the making of a Supplementary Development Contribution Scheme which allows a Planning Authority to attach a condition to a planning permission, for development which benefits from public infrastructure, requiring payment of a financial contribution in respect of the provision of that infrastructure. Such infrastructure can include rail or other transport infrastructure, as defined in the Act.

This infrastructure can be provided or carried out by the Planning Authority or pursuant to an agreement entered into by the authority with another person/agency.

Report No. 350/2016 which outlined proposals in relation to a draft scheme for Luas Cross City was noted at the December meeting of the City Council.

Luas Cross City (LCC) is a 6km line extension of the Luas system to the north of the city centre, providing an interchange between the existing Red and Green Luas lines. LCC serves 13 new Luas Stops located at

- Dawson Street
- Trinity College
- Westmoreland Street
- O'Connell Street (GPO)
- Marlborough Street
- O'Connell Street (Upper)
- Parnell Street
- Dominick Street
- Broadstone (DIT)
- Grangegorman
- Phibsborough
- Cabra
- Broombridge

The Draft Scheme, to be operative for a period of thirty years, proposes a supplementary development contribution levy for new developments (subject to certain exceptions/reductions) within 1km either side of the LCC line. The following rates of contributions were proposed for the specified land uses;

Residential: €2000 per unit

Commercial: €38 per sq. metre

Retail: €43 per sq. metre

Notice of the making of the Draft Scheme was published in a national newspaper confirming that the Draft Scheme was on public display from 9th January, 2017 to 20th February, 2017 inclusive. Copies of the Draft Scheme (including map) were available for public inspection at the Civic Offices, Woodquay, and on the Council's web site. Copies of the Draft Scheme were also circulated to Members, **to the Local Enterprise Office** and to the Minister for Housing, Planning, Community and Local Government. Submissions or observations with respect to the Draft Scheme were accepted up to and including 20th February, 2017.

A total of nine submissions were received. The Chief Executive is required to prepare a report on the submissions/observations received not later than four weeks after the expiration of the public display period. The Council, not later than six weeks after receipt of the Chief Executive's report, decides by resolution to vary, modify or make the scheme as submitted by the Chief Executive.

Submissions Received

1. Richard Sheehan
2. Alan O'Connor
3. Con Clarke
4. John Spain and Associates on behalf of Hammerson ICAV
5. John Spain and Associates on behalf of Hines
6. Ken Swaby ILTP on behalf of Marlet Property Group Ltd.
7. Brady Shipman Martin on behalf of MM Capital Ltd.
8. GVA on behalf of Tesco Ireland Ltd
9. National Transport Authority

Summary of Issues Raised and Chief Executive's Response

1 Extent of Scheme area

The 1km boundary limit has been highlighted in a number of submissions. Parts of the North and South Circular Road have been identified as areas within the boundary which will not benefit from the Luas Cross City. Two submissions request a change in the southern boundary line to coincide with the line of the Grand Canal. This is used as a natural boundary in the Development Plan zoning maps.

Response

In Ireland and the UK 1km is considered to be an acceptable distance to walk to access public transport. 1km equals to a 12 minute walk time and this is considered to be a reasonable distance to walk to a tram / rail stop. The section of the North and South Circular Road which it is proposed to include in the scheme are within 1km of the proposed Luas Cross City route.

It is reasonable to change the southern boundary to follow the natural boundary of the Grand Canal as suggested.

Recommendation

Change boundary to follow natural boundary of the Grand Canal at southern boundary (see amended map for Clause 6) and change wording in Clause 6 to read as follows:

An area extending 1km either side of the LCC line is identified as the transportation corridor within which benefit will accrue to development. A line has been drawn defining the corridor that rationalises the 1km distance to nearby features such as roads and other boundaries **including following the natural boundary of the Grand Canal at southern boundary.**

2. Density & Height

The apparent discrepancy between the boundary limits of “Rail Hubs” as identified in the current Dublin City Development Plan at 500 metres and the boundary limits of the proposed Luas Cross City scheme at 1 km is highlighted in one submission. It suggests that if a levy is to be applied within the 1km catchment deemed to directly benefit developments then this should be reflected in the level of density and height permitted within this catchment. As the Dublin City Development Plan 2016-2022 (CDP) sets out maximum heights for buildings within what are termed as ‘Rail Hubs’ within 500m of existing and proposed Luas, mainline, DART, DART Underground and Metro stations the distance stated in the CDP should be extended to 1km to allow taller buildings and higher densities within the Luas Cross City Levy Scheme Area. It suggests amending the CDP to allow an appropriate building storey height and level of density within 1km of the Luas Cross City Rail Line or the Luas Cross City Levy Scheme Area be reduced to reflect the CDP.

Response

It is considered that the 1000m distance should not be reduced. Policy SC13 of the CDP and the overall core strategy is to promote sustainable densities, and create a more compact city throughout the urban area, particularly along public transport corridors, which will address climate change, reduce urban sprawl and enhance the Quality of urban living. Para 16.7.2 of the CDP allows for additional height (up to 24m commercial and residential, from 16m in the outer city) within 500m of existing and proposed Luas / rail stations. It should be noted however that extra height does not necessarily equate with extra density. Furthermore that the City Centre full 28m height policy extends to the Royal Canal / North Circular Road (Map K) ie the majority of the levy area.

Recommendation

No change

3. Charge for Residential Units

One submission stated that €2,000 per residential unit was excessive while a further submission suggested that residential dwellings should not be burdened with additional development costs as houses are too expensive at present.

Response

The rate proposed is calculated to recover a reasonable percentage of the economic value that accrues to a development because of the impact of the infrastructure. The rate of €2,000 represents a small percentage of the increase in value that will accrue. The principle behind a Section 49 levy scheme is that developments that benefit from the scheme should make a contribution towards the cost of providing the infrastructure.

Recommendation

No change

4. Retail and Commercial Rates

In a submission it has been pointed out that the Supplementary Development Contributions Scheme categorises development under three categories: Residential, Commercial and Retail, while the current Dublin City Council Section 48 Development Contributions Scheme has only two categories; Residential and Commercial. Two submissions questioned the rate of contribution being attached to both retail and commercial developments. One identifies LCC levies as higher than Metro North rates despite Metro North having a higher carrying capacity than LCC and claims the high rates will serve to discourage development from Dublin’s Central Business District and the state’s ‘premier shopping area’, contrary to development

plan policy. The second submission is along similar lines and states the extra levy on retail development over commercial is punitive and unhelpful. It states that the extra levy on retail developments compared with other commercial uses has the potential to make proposed schemes unviable. The submission finds no rationale set out as to why differential rates apply to different types of development, all of which will benefit from the same infrastructure.

Response

The rates are not seen as excessive in relation to the likely benefit that will accrue to developments of a commercial or retail nature. The rates have been carefully calculated and subsequently independently assessed to ensure that they are in keeping with the provisions of the legislation and related guidelines. The legislation allows for the collection of levies from different types of development in proportion to the value accruing to the development as a result of the new infrastructure and services. The experience to-date indicates that retail developments benefit to a larger degree than other commercial developments hence the higher rate for retail above other commercial developments. On the other hand the City Development Plan (Chapter 7) contains policies to strengthen retail in the City Centre, and Key District Centres, such as the O'Connell Street Area and Phibsborough, Finglas and Cabra. All of these Retail areas require accessible, vibrant and viable retail activity with enhanced footfall etc. As such it is considered that the levy rates for retail should be reduced so that they are the same as that for commercial.

Recommendation

Change Clause 10 so that Retail and Commercial is merged to one heading of Commercial / Retail and the rate to apply should be the current draft commercial rate of €38 per sq. metre.

5. Change of use from commercial to retail and vice versa

Change of use from retail to commercial and vice versa should be exempt from the Section 49 levies.

Response

The levy will be charged on the additional square area only where change of use from commercial to retail or vice versa is in question.

Recommendation

Change Clause 11 and Clause 12 to reflect this to read as follows

Clause 11 *Permissions for a change of use from one commercial / retail use to another are exempt. Any net additional floorspace will be charged at the commercial rate;*

Clause 12 In the case of a change of use from residential use to commercial / retail and vice versa, development contributions will be calculated at 50% of the applicable rate.

6. O Connell Street and Environs

A submission was received that requests that areas in urgent need of redevelopment be designated as such within the scheme and an exemption on the final Section 49 levy be applied to schemes granted permission in these areas. Particular reference was made to O'Connell Street & Environs. It is submitted that an exemption from the scheme levies for O'Connell Street and Environs as set out would facilitate the redevelopment of this area as sought in the Dublin City Development Plan 2016-2022 and the Scheme of Special Planning Control for O'Connell Street & Environs 2016.

Response

The positioning of two stops on O'Connell St will benefit any development that is planned for the adjacent areas. The City Development Plan (Chapter 7) contains policies to strengthen retail in the City Centre, and Key District Centres, such as the O'Connell Street Area and Phibsborough, Finglas and Cabra. All of these Retail

areas require accessible, vibrant and viable retail activity with enhanced footfall etc. While an exemption would not be appropriate it is considered that the levy rates for retail should be reduced so that they are the same as that for commercial.

Recommendation

See recommendation 4

6. South of Saint Stephens Green

It is proposed that the LCC Levy Scheme Area terminates just south of Stephen's Green and not extend further south for consistency with previously completed Luas schemes, including Luas Docklands and the existing Luas Red and Green lines.

The proposed Luas Cross City development contribution scheme extends 1km to the south of the most southernly stop at Stephen's Green. Concern expressed that this is inconsistent with Luas Red Line extension to Docklands which extends no more than 200 metres to the west of the new line. The original Luas Red and Green lines have no contribution schemes in place for new development served by these existing routes and it is put that the LCC scheme, which is an extension of the Luas Green Line, should similarly exclude the area already covered by the existing Luas Green Line.

Response

It is reasonable to extend south of Saint Stephens Green stop to capture the benefits that will accrue to new developments that will come within the 1km catchment area of the Luas Cross City as measured from Saint Stephens Green stop which is a terminus for the Luas Cross City.

Recommendation

No change

7. Future Review of Scheme

The consultation document indicates that the proposed levy amount may increase following a 2 yearly review; however no reference is made to possible decreases in the levy in future. The LCC Contribution Scheme should allow for decreases in levy to account for possible downward economic trends or other factors.

Response

The scheme may be reviewed and amended by the members to take account of prevailing economic conditions. A bi-annual review is provided for regarding decisions on increasing or reducing rates.

Recommendation

No change

8. Potential Double Charging of levies

Additional rail and bus transport schemes may be proposed and implemented in future, for example New Metro North, DART Underground, Luas Poolbeg Extension and Bus Rapid Transit, which are likely to have a further contribution scheme applied to new development. DCC should confirm in the final Luas Cross City Development Contribution Scheme that the proposed levy is the only charge to apply to new development, and the levies of any future proposed overlapping contribution schemes will not also apply.

Response

Clause 17 of the scheme "Areas of Overlap with other Section 49 Supplementary Development Contribution Schemes" states:

'Where the area of this scheme overlaps with another Section 49 Supplementary Development Contribution scheme in respect of a Luas or Metro railway, any development within such area of overlap shall only be charged a levy under the provisions of this Scheme, with the exception of development within the area of the DCC Luas C1 Docklands Scheme ("the C1 Scheme"). The C1 Scheme shall be the only Section 49 scheme to apply to development within the area covered by that

scheme until such time as the C1 Scheme expires, or is otherwise terminated, Upon the expiry, or other termination, of the C1 Scheme the provisions of this Scheme shall apply in relation to development in the area formerly covered by the C1 Scheme'.

Recommendation

No change

9. Timing of Contribution Scheme

One submission finds it unclear as to why the Draft Development Contribution scheme was only published in January 2017, when the Luas Cross City scheme itself was approved in August 2012. Many development sites were purchased since the scheme was approved and the cost of development lands would already have reflected the upcoming LCC scheme. The additional levies now proposed will now be passed on to the purchaser or absorbed by the developer.

Response

Noted.

Recommendation

No change

10. Charges for Ancillary Car Parking

A submission suggests that if development contributions are attached to covered car parking, then this could result in such car parking being financially unviable.

The submission questions the rationale for development contributions being charged for ancillary car parking as the provision of such car parking does not result in a greater utilisation or derive a greater benefit from the LCC Scheme compared to the existing available infrastructure. It is suggested that the scheme is amended to provide an exemption for all ancillary car parking due to the benefits of covered car parking.

Response

The position as regard parking and related levy rates and exemptions is set out in detail in the proposed scheme and the same reductions and exemptions are provided as in the Council's Section 48 scheme. All of the proposed provisions have been assessed as capturing only a reasonable and fair proportion of the benefit accruing to developments from the introduction of the infrastructure. Furthermore the introduction of the new transport services should increase ease of access to the subject parking facilities as congestion in the adjacent area is improved.

Recommendation

No change

11. Hard Surface Areas

The inclusion of the proposed charge for open storage could negatively impact on the attractiveness of the City as it may result in smaller service yards/open storage areas being provided, thus increasing the number of deliveries required, which is contrary to the Dublin City Centre Transport Study.

Response

Hard Surface Areas attract levies under all existing development contribution schemes including the Section 48 scheme.

Recommendation

No change

12. Amendment to Clause 16

A submission suggests that Clause 16 is amended whereby DCC would transfer collected levies to the National Transport Authority (NTA) and not to TII as proposed.

Response

Noted. Clause 4 should also be changed to reflect this.

Recommendation

Change Transport Initiative Ireland to National Transport Authority (NTA) in Clause 4

Agreement of National Transport Authority (NTA)

The detailed implementation of a Section 49 scheme is subject to an agreement between the Planning Authority and the provider of the public infrastructure service or project, in this case the NTA.

Change TII to NTA in Clause 16

Dublin City Council will receive the contributions to be made under this scheme and pay them to NTA in accordance with an agreement to be made with it. Pending completion of that agreement Dublin City Council will retain the contributions collected and pay to NTA when the agreement is concluded. The agreement with NTA will provide that the contributions received by Dublin City Council under this scheme shall only be used for the LCC project.

In light of the above I recommend that the Section 49 Supplementary Development Contribution Scheme – Luas Cross City be adopted subject to the following amendments:

Amend Clause 4

Agreement of National Transport Authority (NTA)

The detailed implementation of a Section 49 scheme is subject to an agreement between the Planning Authority and the provider of the public infrastructure service or project, in this case the NTA.

Amend Map attached to Clause 6

Change boundary to follow natural boundary of the Grand Canal at southern boundary (see amended map)

*An area extending 1km either side of the LCC line is identified as the transportation corridor within which benefit will accrue to development. A line has been drawn defining the corridor that rationalises the 1km distance to nearby features such as roads and other boundaries **including following the natural boundary of the Grand Canal at southern boundary.***

Amend Clause 10

Residential: €2,000 per unit

Commercial and Retail: €38 per sq. metre.

Amend Clause 11

*Permissions for a change of use from one commercial / **retail** use to another are exempt. Any net additional floorspace will be charged at the commercial rate;*

*Clause 12 In the case of a change of use from residential use to commercial / **retail** and vice versa, development contributions will be calculated at 50% of the applicable rate.*

Amend Clause 12

*In the case of a change of use from residential use to commercial / **retail** and vice versa, development contributions will be calculated at 50% of the applicable rate.*

Amend Clause 16

Dublin City Council will receive the contributions to be made under this scheme and pay them to NTA in accordance with an agreement to be made with it. Pending

*completion of that agreement Dublin City Council will retain the contributions collected and pay to **NTA** when the agreement is concluded. The agreement with **NTA** will provide that the contributions received by Dublin City Council under this scheme shall only be used for the LCC project.*

These amendments are shown in bold italics on the attached Draft Scheme

Declan Wallace
Assistant Chief Executive

Dated this the 16th day of March 2017

DUBLIN CITY COUNCIL

SUPPLEMENTARY DEVELOPMENT CONTRIBUTION SCHEME (under Section 49, Planning & Development Act, 2000 as amended)

LUAS CROSS CITY (ST. STEPHEN'S GREEN TO BROOMBRIDGE LINE)

1. Definition of Project

The Luas Cross City (LCC) is set out in the Government's capital framework for transport for the period 2006 to 2015 and was authorised by Railway Order of An Bord Pleanála in 2012. LCC is a 6km line extension of the Luas system to the north of the city centre, providing an interchange between the existing Red and Green Luas lines. LCC serves 13 new Luas Stops located at

- Dawson Street
- Trinity College
- Westmoreland Street
- O'Connell Street (GPO)
- Marlborough Street
- O'Connell Street (Upper)
- Parnell Street
- Dominick Street
- Broadstone (DIT)
- Grangegorman
- Phibsborough
- Cabra
- Broombridge

LCC is a significant step in the creation of an integrated public transport system for Dublin, providing an effective link between the main city centre shopping districts at Henry Street and Grafton Street, linking the central city business precincts and providing access to the city centre for the communities of Phibsborough and Cabra as well as providing an interchange with the Irish Rail system at Broombridge.

2. Policy Framework

The provision of quality public transport is central to Government policy on sustainable development as expressed in the Government document 'Sustainable Development - a Strategy for Ireland' and in the National Transport Authority's Integrated implementation plan 2013-2018.

It is the policy of Dublin City Council as set out in successive Development Plans to support the sustainability principles set out in the National Spatial Strategy, the National Transport Authority's integrated implementation plan 2013-2018 and the Regional Planning Guidelines for the Greater Dublin Area. The Dublin City Development Plan 2016-2022 through its vision and policies supports the provision of LCC.

The overall vision for the city outlined in the plan states:

"Within the next 25 to 30 years, Dublin will have an established international reputation as one of Europe's most sustainable, dynamic and resourceful city regions. Dublin, through the shared vision of its citizens and civic leaders, will be a beautiful, compact city, with a distinct character, a vibrant culture and a diverse, smart, green, innovation-based economy. It will be a socially inclusive city of urban neighbourhoods, all connected by an exemplary public transport, cycling and walking system and interwoven with a quality bio-diverse greenspace network. In short, the

vision is for a capital city where people will seek to live, work and experience, invest and socialise, as a matter of choice."

Chapter 8 of the Development Plan addresses transportation issues within the context of infrastructure provision. The development plan proposes to increase capacity on public transport in order to promote modal change to more sustainable modes.

Policy MT2 : ...to continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as cycling, walking, and public transport and to co-operate with the NTA, Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives. Initiatives contained in the Government's 'Smarter Travel' document and in the NTA's Draft Transport Strategy are key elements of this approach.

In relation to public transport the Development Plan fully supports the further enhancement of Luas, Quality Bus Corridor and other projects, with the overall aim of achieving a fully integrated transport network for Dublin. A number of policies are in place to promote and support the development of this infrastructure including:

Policy MT3 – To support and facilitate the development of an integrated public transport network with efficient interchange between transport modes, serving the existing and future needs of the city in association with relevant transport providers, agencies and stakeholders.

Policy MT4 - To promote and facilitate the provision of Metro all heavy elements of the DART Expansion Programme including DART Underground (rail interconnector), the electrification of existing lines, the expansion of Luas and improvements to the bus network in order to achieve strategic transport objectives.

The delivery and successful operation of LCC will be an essential component in securing a consolidated and sustainable city. The Supplementary Development Contribution Scheme will assist in the funding of this key piece of infrastructure, thus significantly contributing to the revitalisation and re-development of the city.

3. Legal Basis

The legal basis for a supplementary development contribution scheme is set out in Section 49 of the Planning and Development Act 2000, as amended. This allows a Planning Authority to attach a condition to a planning permission for development that will benefit from a specified public infrastructure service or project, requiring payment of a financial contribution in respect of it in line with a supplementary development contribution scheme made by the Authority. A public infrastructure service or project is defined in Section 49 (7) to include the "*provision of particular rail, light rail or other public transport infrastructure, including car parks and other ancillary development...*"

The public infrastructure project or service can be provided by another person, pursuant to an agreement with the Planning Authority.

The supplementary development contribution scheme must specify the particular public infrastructure service or project and the area within the functional area of the Planning Authority to which it relates and must set out the basis on which the contributions have been determined.

The legislation allows for different rates of contribution to be applied to different classes or descriptions of development. It also allows for exemptions for specified classes of development.

Provision is made in the legislation for public consultation in relation to a proposed Section 49 scheme.

4. Agreement of *National Transport Authority (NTA)*

The detailed implementation of a Section 49 scheme is subject to an agreement between the Planning Authority and the provider of the public infrastructure service or project, in this case the **NTA**.

5. Project Programme

LCC was authorised by Railway Order granted by An Bord Pleanála in 2012 and is currently under construction. It is intended to commence operations before the end of 2017.

6. Extent of Scheme

An area extending 1km either side of the LCC line is identified as the transportation corridor within which benefit will accrue to development. A line has been drawn defining the corridor that rationalises the 1km distance to nearby features such as roads and other boundaries ***including following the natural boundary of the Grand Canal at southern boundary.***

The catchment area is considered to represent a reasonable walking distance to stations along the proposed line.

The project benefits the scheme area, enables its development in a sustainable manner with higher densities in accordance with the City Development Plan and the Residential Density Guidelines. The project improves the attractiveness and marketability of the scheme area for residential, commercial and retail development.

The area of the scheme is identified on the accompanying scheme map.

7. Discounting of Benefit to Existing Development

The total area of land within the scheme area which is zoned for development is 312.05 hectares. This excludes any land within the overlap with the Line C1 Section 49 scheme. It is estimated that the land with potential for development or re-development is 57.05 hectares. The balance of 255 hectares is considered to be existing development. Under a Section 49 Scheme benefit that accrues to existing development must not be included in the determination of the contributions. The Planning Authority, in making this scheme, has had regard to the benefit estimated to accrue to property likely to be developed or redeveloped in the Scheme Area and not to existing development.

8. Cost of Project

The approved budget based on the updated detailed business case is €368 Million, including detailed design, acquisition of property, diversion of utilities, provision of track and stops, power and control systems, surfacing car parks, other ancillary development and rolling stock.

9. Quality of Service

When completed, LCC will extend the existing Luas Green line from its existing terminus at Stephen's Green through the city centre to Broombridge. It will provide convenient interchange with the Red Luas line and with the Maynooth rail line at Broombridge. This extension will have all the positive features of the existing Luas system including a frequent level of service and reliable journey times. It is expected that the extension will add 10 million extra trips per annum to the Luas system.

10. Rate of Levy

In determining appropriate rates of levy for the Scheme, consideration was given to the quality of service that will be provided by LCC, to the objective of avoiding the diversion of development from the area due to excessive rates of levy and to the estimated benefit to different classes of development.

A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development. Two different classes of development have been identified requiring the payment of contributions, namely Residential, Commercial/**Retail**.

The rates of levy to be applied to each class of development reflect the relative benefits which accrue to that class.

In the Dublin city area where densities for residential and commercial development are likely to be high and in many cases sites for development will be small, it is considered that, given the inherent attractiveness of the city centre for investment, it is appropriate to formalize the contribution in terms a rate per unit of residential development, and in the case of retail and commercial development, in terms of rates per square metre.

Accordingly the following rates of supplementary development contributions are proposed for the specified land uses;

Residential: €2,000 per unit

Commercial / Retail: €38 per square metre

These rates are subject to review at the end of Year 2 and at two-yearly intervals thereafter. If no revision occurs, then existing rates shall continue.

The contributions must be paid prior to commencement of development or on a phased basis agreed with Dublin City Council, at the rate in effect at the time of commencement.

11. Exemptions

The following categories of development will be exempted from the requirement to pay development contributions under the Scheme:

- *Permissions for a change of use from one commercial / **retail** use to another are exempt. Any net additional floorspace will be charged at the commercial rate;*
- Domestic extensions;
- Development in receipt of a disabled persons' grant;

- Social housing units, including those which are 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 Dublin City Council;
- Non-fee paying primary schools and secondary schools;
- Not-for-profit, community-run childcare facilities;
- Development to be used for social, recreational or religious purposes and not to be used for profit or gain;
- Development to be used as a workshop, training facility, hostel or other accommodation specifically for persons with disabilities and not to be used for profit or gain;
- The non-built elements of recreational facilities (eg. Playing pitches, golf courses)
- Works to, and change of use from residential use to commercial and vice versa, of buildings included in the Record of Protected Structures. Protected Structure refers to the actual structure(s) and does not include development within its curtilage;
- Ancillary uncovered surface car parking;
- Residential ancillary car parking;
- Masts and antennae, dish and other apparatus/equipment for communication purposes that form part of the National Broadband Scheme (NBS) as defined by the Department of Communication, Energy and Natural Resources (DCENR)
- Renewable Energy (RE) development with a capacity up to 0.5MW will be exempt. Larger capacity RE development will be charged at €1,000 per each 0.1MW above an installed capacity of 0.5MW.
- For clarification purposes, the following development will not be exempt from the requirement to pay development contributions;
 - Third level educational institutions and student accommodation
 - Fee paying schools
 - Hospitals, medical facilities, primary care centres and similar developments including any ancillary buildings

12. Reductions

The following categories of development will be liable for a reduced rate of development contributions under the Scheme:

- Where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable is to be charged on the net additional floorspace created

- In the case of a change of use from residential use to commercial / **retail** and vice versa, development contributions will be calculated at 50% of the applicable rate. Where development contributions under a Section 49 Scheme were paid in respect of the former use, the contribution payable on the new proposal will be net of the quantum of development previously paid for. The Development Contribution Scheme does not provide for any rebate or refund in this regard. Agents/applicants should provide evidence of prior payment at application stage in order to expedite assessment and avail of this provision.
- Permissions for minor extensions to Protected Structures shall be calculated at 50% of the applicable rate of contribution. For the purposes of this Scheme, minor extension is defined as a new extension which is no greater than 50% of the extent of the total floorspace of the Protected Structure. Protected Structure refers to the actual structure(s) and does not include development within its curtilage.
- Open storage/hard surface commercial space development, other than car parking, shall be liable for development contributions at one third of the commercial rate
- Ancillary non-surface, non-residential car parking will be calculated at 50% of the applicable rate of contribution
- Ancillary undercroft car parking will be calculated at 50% of the applicable rate of contribution.
- Temporary permissions shall be liable for development contributions at one-third 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.

13. Retention Permissions

Exemptions and Reductions shall not apply to permissions for retention of development.

14. Economic Impact of Levy

Levies collected under the proposed scheme will capture a relatively modest proportion of the enhanced property value brought about by the introduction of LCC.

The economic analysis of enhanced property values in the catchment area of LCC assessed the contribution made by the following factors;

- an increased density of residential and commercial development;
- potential uplift in property values due to the presence of the light rail infrastructure; and
- wider economic benefits such as environmental improvements and the opening up of additional regional accessibility.

The underlying demographic, socio-economic and commercial trends point to continued investment in the catchment area, with a continuing requirement for housing and employment opportunities. Wider connectivity and the proximity to the city centre will further add to the attractiveness of the area.

LCC will add to the supply of residential and commercial property in the city through increasing the potential for facilitating high density development. This has been estimated as being approximately 937 residential units and 47,604sqm of office floorspace. In addition, the introduction of LCC supports developments such as the consolidation of Dublin Institute of Technology on their campus at Grangegorman.

Experience internationally and for other public transport projects in Ireland identifies that there is a high probability of significant price increases attributable to the delivery of the improved public transport infrastructure and services.

The estimated impact of LCC on the value of new residential development in the catchment is €75.4m. The increase comprises increased profits from increased densities and from the price premium brought about by LCC.

Similarly, the value of new commercial (office) development in the scheme area is estimated to be €41.3m. Price premiums and additional profits from increased densities are the underlying reasons for this increase.

The total estimated impact of LCC on the value of new development in the catchment area is €116.7m, made up of €75.4m from residential development and an additional €41.3m from commercial (office) development.

Wider Economic Benefits from the scheme will also contribute to its success. These include the potential for agglomeration, benefits to the city's tourism and public image, improvements to the local physical environment and social benefits in serving a wider area with quality high public transport options.

The economic and financial assessment indicates the proposed levy scheme will recoup approximately 7% of the total development costs of the scheme. The estimated yield from the scheme amounts to a modest proportion of the increased property values. The rate of contribution is set at a level that is not expected to significantly impact on the decision to invest along the corridor of the LCC route.

15. Estimate of Levy Income

It is estimated that the yield from the LCC Section 49 levy will be €27.026 million. No allowance has been made for possible increases in the levy amount following the 2 yearly review. This equates to approximately 7% of the capital cost of the project.

It is estimated that the benefits to the value of €116.7 million will accrue to developments that will be subject to the levy. These benefits arise due to increased density of development and enhanced property and rental values because of LCC. The projected yield from the levy scheme is of the order of 23% of the financial benefits that arise.

16. Administration of Levy

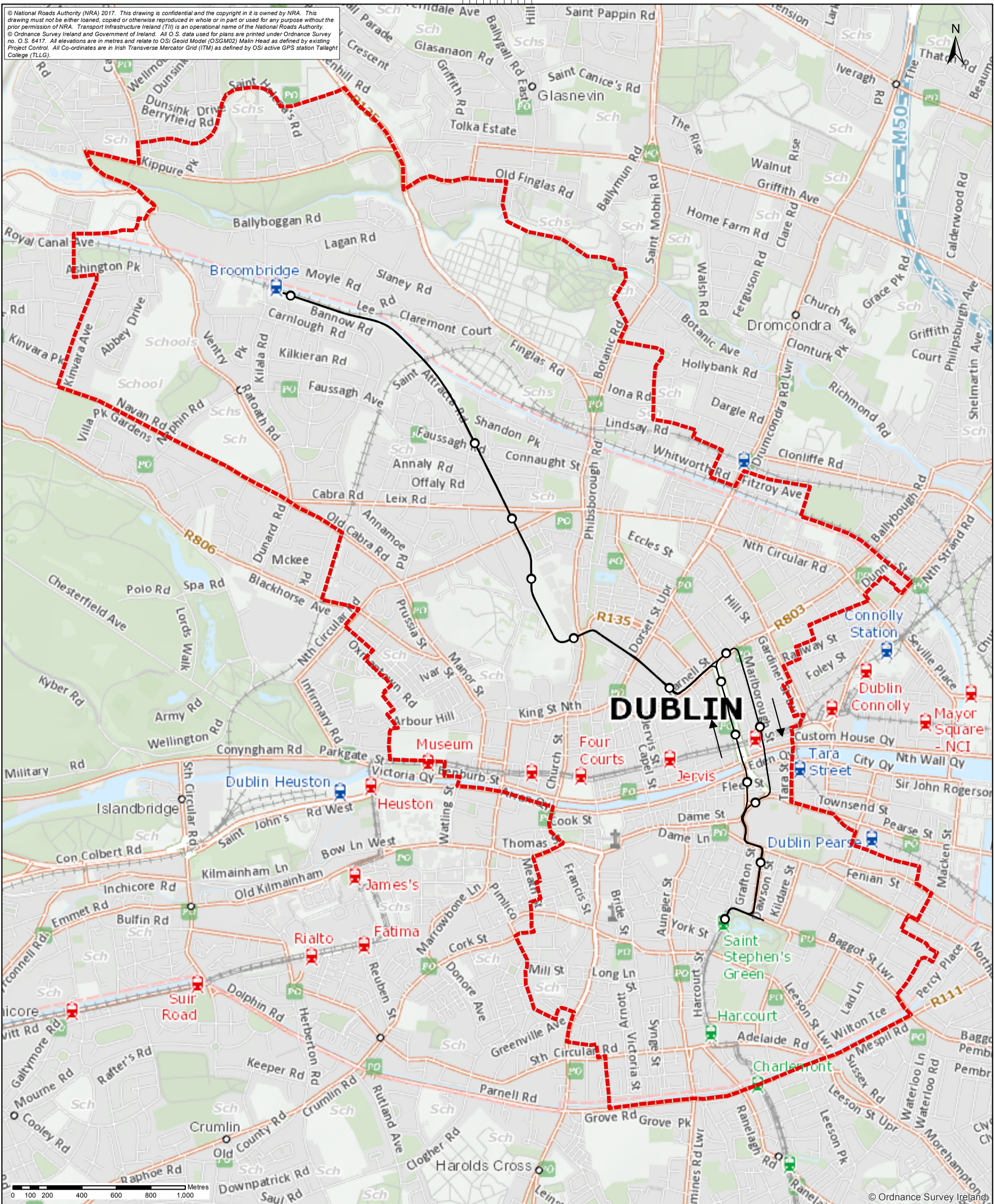
The scheme will apply from the date it is made until the 30th anniversary of that date. The scheme may be reviewed periodically by the planning authority having regard to circumstances prevailing at that time.

Dublin City Council will receive the contributions to be made under this scheme and pay them to **NTA** in accordance with an agreement to be made with it. Pending completion of that agreement Dublin City Council will retain the contributions collected and pay to **NTA** when the agreement is concluded. The agreement with **NTA** will provide that the contributions received by Dublin City Council under this scheme shall only be used for the LCC project.

17. Areas of Overlap with other Section 49 Supplementary Development Contribution Schemes

Where the area of this scheme overlaps with another Section 49 Supplementary Development Contribution scheme in respect of a Luas or Metro railway, any development within such area of overlap shall only be charged a levy under the provisions of this Scheme, with the exception of development within the area of the DCC Luas C1 Docklands Scheme ("the C1 Scheme"). The C1 Scheme shall be the only Section 49 scheme to apply to development within the area covered by that scheme until such time as the C1 Scheme expires, or is otherwise terminated, Upon the expiry, or other termination, of the C1 Scheme the provisions of this Scheme shall apply in relation to development in the area formerly covered by the C1 Scheme.

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- Luas Cross City Section 49 Levy Scheme Area
- Luas Cross City Alignment
- Luas Cross City Stop Location

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LUAS

LOCATION: Dublin City

MAP TITLE: **Luas Cross City Section 49 Levy Scheme Area**

PREPARED: COF	REVIEWED: DW	APPROVED: POD
	CHECKED: DW	DATE: 16/03/2017
		SCALE: 1:20,000

AREA NO.	PLAN NO.	SUBJECT.