

Chief Executive's Report

February 2023

**Draft General Development Contribution Scheme and Draft
Supplementary Contribution Scheme 2023-2029**



Comhairle Cathrach Chorcaí
Cork City Council

A Ard Mhéara agus a Comhairleoirí

Introduction

Set out hereunder is the report under Section 48 subsection (6) of the Planning and Development Act, 2000 (as amended) in relation to the public consultation on the **Cork City Council Draft Development Contributions Scheme 2023-2029**.

On 9th December 2022 Cork City Council published notice that it had prepared a Draft Development Contributions Scheme pursuant on Section 48 subsection (4) of the Planning & Development Act 2000 (as amended).

The purpose of the report is to inform the Elected Members of Cork City Council of the outcome of the public consultation and the Chief Executive's recommendations in response to issues raised. The report is submitted to Members for their consideration.

This report is presented in six sections and provides the following:

- 1.0 Overview of the Development Contribution Scheme Process
- 2.0 Purpose and Content of the Report
- 3.0 Public Consultation Process
- 4.0 Outcome of Public Consultation
- 5.0 Summary of Issues Raised
- 6.0 Executive Recommended Amendments
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Appendix 1: List and Summary of Submissions Received.

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1.0 Overview of the General and Supplementary Development Contributions Scheme

Development contribution schemes are a central instrument in the funding of essential physical and social infrastructure that support the implementation of development plans.

The Draft Cork City Development Contribution Scheme 2023-2029 (the Draft Scheme) has been designed to promote equitable and reasonable incentives. The Draft Scheme is the first to be made under the Cork City Development Plan 2022-2028, and includes targeted support for specific development types to facilitate development that aligns with the City Development Plan 2022 Core Strategy including reductions to incentivise the development of:

- Cork City Centre, City Docklands and other regeneration areas,
- Houses and apartments, and
- Development in sustainable locations.

The Draft Scheme includes a Supplementary Development Contribution Scheme, which has been in operation since 2004, with respect to the upgrading of commuter railway infrastructure. This will contribute towards building new stations, upgrading existing stations and supporting infrastructure such as bridges, and full electrification of the network in line with the Cork Area Commuter Rail Program. The rates in the Supplementary Scheme are adjusted only in line with the Consumer Price Index. Some adjustments to the application of the Supplementary Scheme have been made to the qualifying areas subject to the Supplementary Development Contribution Scheme. Areas south of the River Lee have been excluded given the current lack of connectivity over the River.

2.0 Purpose and Content of this Chief Executive's Report

The purpose of the Chief Executive's Report is to inform Members on the outcome of the consultation process on the Draft Cork City Council Development Contribution Scheme 2023-2029, set out the Chief Executive's response to the issues raised in the submissions, and to make recommendations, as appropriate. This Report forms part of the statutory process for preparing a scheme, and provides details of the submissions and observations received in relation to the public consultation process described below as follows:

- Lists the Issues raised and gives the response of the Chief Executive, taking into account the proper planning and sustainable development of the area;
- Lists the persons or bodies who made submissions or observations during the prescribed public consultation period including a summary of the submissions or observations made (Appendix 1).

3.0 Public Consultation Process

The Draft Scheme was placed on public display for a period of 4 weeks from **9th December 2022 until 5 PM on 16th January 2023**. During the public consultation period the Draft Scheme was made available for inspection by the public and submissions were invited as follows:

- Notification of the preparation and display of the Draft Scheme was placed in the Irish Examiner on 9th December 2022 together with information on the public consultation process and an invitation for submissions (See Appendix 2).
- The relevant prescribed bodies were notified of the Draft Scheme and were invited to make submissions.
- Public information on the Draft Scheme was made available at the Cork City Council public planning counter in City Hall, at branch libraries, on the City Council website: <http://corkcitydevelopmentplan.ie> and on the Cork City Council on line consultation portal <http://consult.corkcity.ie>.

4.0 Outcome of Public Consultation Process

A total of 10 submissions were received. Appendix 1 includes a full list of submissions and a summary of the issues raised.

5.0 Summary of Issues Raised

Many of the issues raised in the 10 submissions received are interrelated and are categorised under specific thematic headings for the purpose of identifying, analysing and responding to the issues raised. For the purposes of this Chief Executive's Report, the submissions are grouped under nine main themes.

- Theme 1 Viability
- Theme 2 Offsetting Costs
- Theme 3 Restrictions on Exemptions
- Theme 4 Issues Raised relating to the Supplementary Scheme
- Theme 5 Refund Request for Community Run Childcare Schemes
- Theme 6 Third level Institutions should be treated as Voluntary Organisations
- Theme 7 Equity between student accommodation and apartments
- Theme 8 Social and Affordable Housing Provision
- Theme 9 Contributions as a means to influence Sustainable Development

Theme 1: Viability

A number of submissions (Sub 1, 6, 7) raised the issue of viability and the need for additional cost reduction measures to be implemented as part of the updated Development Contribution Scheme. These include:

- a) The removal of indexation and the provision of phased payment of charges.
- b) An increase in the waiver threshold.
- c) Increasing the reductions to a minimum of 75% for apartments during the course of the entire scheme.

- d) Providing an updated reduction rate of at least 50% is recommended for houses the entire duration of the scheme.
- e) Application of the exemption for the first 40m² should be applied to all new residential development.

Other submissions (Subs 2 & 4) support the Scheme and acknowledge that the reductions and exemptions provided will help viability in the delivery of residential units. Submission 5 welcomes category 5.5 which allows for a 100% waiver on works for protected structures including the restoration or refurbishment to a high architectural standard.

Chief Executive's Response:

Cork City Council acknowledges current viability issues in the construction sector, which are complex and diverse and require resolution beyond the scope of local authorities.

In relation to (a) above, the development contribution rate in the General Scheme reflects the increased jurisdiction of the City Council boundary and the ambitious growth targets assigned to the City under the National Planning Framework over the Plan period. The contribution rate has been arrived at following the recommended methodology set out in the Development Contribution Guidelines for Planning Authorities, 2013, including the provision of appropriate adjustments to incentivise development in targeted areas, which are designed to have a positive impact on viability. The contribution rate is linked to indexation to safeguard the delivery of public infrastructure during the Plan period against fiscal challenges in the economy. The proposed collection method has been devised in consultation with the Development Contributions Section, Community Culture and Placemaking Directorate of Cork City Council.

In relation to (b) above, the 100% waiver on development contributions amounting to less than €200 (single amount applied to a condition on a grant of planning permission) has been arrived at following an assessment of the economic benefit of processing and pursuing smaller levied amounts, including a review of historic planning applications. This assessment concluded that that pursuing levied development contributions amounting to less than €200 on any given single planning condition is not cost effective. This has been tested to ensure it will not have undue impacts on the sustainability of the overall Scheme.

In relation to (c) and (d) above, the Scheme includes a number of reductions for priority areas and development types, including residential units and apartments. The phased application of reductions for residential development has been designed to incentivise the delivery of units in the short-term.

In relation to (e) above, the calculation of future residential development within the Plan period has been made based on assumptions for smaller residential typologies. The Draft Scheme already provides for reductions for residential development and therefore the application of a further 40m² exemption is not considered appropriate.

Chief Executive's Recommendation:

No change to Draft Scheme.

Theme 2: Offsetting Costs

Submissions 1 and 2 have raised the issue of allowing the offset of costs as part of the development contribution scheme. Issues raised include the cost of providing on-site amenities which should be allowed to be offset against a portion of the development contribution calculation, and exemptions allowable under Table 5 and Table 6 should be expanded to include the provision of major public infrastructure where it is provided by developers (be they public or private) in order to speed up delivery in Cork.

Chief Executive's Response:

The Scheme has applied the projected costs of infrastructure to the probable development estimated over the Development Plan period (see Tables 1, 2 and 3 of Draft Scheme). The actual estimated costs of providing this infrastructure forms the basis for calculating the development contribution rate. The delivery of local, on-site infrastructure and amenities is not a substitute for the provision of the public infrastructure upon which the Scheme is based and which will still require part funding.

Chief Executive's Recommendation:

No change to Draft Scheme.

Theme 3: Restriction on Exemptions

A number of submissions (Sub 6 and 7) have requested a different approach for certain categories of restrictions proposed. These include:

- a) The removal of Footnote 2 of Table 5: reductions for the provision of social and affordable units should be available for agreements that are made at planning stage and post planning.
- b) The restriction that a maximum of 1 Table 6 reduction can be availed of should also be removed.

Chief Executive's Response:

The Draft Scheme continues to provide exemptions for certain development types. Some updates have been included to aid clarity and transparency in the implementation of the Scheme. In relation to (a) above, it is important that there is clarity at planning decision stage whether permitted developments are liable under the Scheme. The approach to social and affordable housing units set out in the Draft Scheme, which is not a new approach to how this matter is addressed in Cork City Council, has been agreed by the Housing Directorate of Cork City Council. The specific reference in the Draft Scheme to the timing of planning agreements is included primarily for transparency and clarity, and to help streamline the development contribution collection process. In relation to (b) above, the limitation on one reduction under Table 6 has been included to ensure that the application of reductions and exemptions in the Scheme is equitable; this has been costed to ensure the delivery of public infrastructure within the Scheme period.

Chief Executive’s Recommendation:

No change to Draft Scheme.

Theme 4: Issues Raised relating to the Supplementary Scheme

Submission 1 considers that the Supplementary Contribution Scheme is a disincentive to residential and retail development along the rail corridor and at odds with Climate Action goals. Submission 3 maintains that the Supplementary Scheme should apply to walking distances from an existing or proposed railway station, and not measured ‘as the crow flies’. It notes that to allow walking distance for areas south of Kent Railway Station should also apply for the remainder of the rail corridor.

Chief Executive’s Response:

The application of the Supplementary Scheme has been designed in accordance with the recommended methodology set out in the Guidelines and is consistent with previous supplementary Schemes. The purpose of the Supplementary Scheme is to part fund the delivery of strategic rail infrastructure which is a key component of Cork City’s transition to carbon neutrality. The measure of the rail corridor for the Supplementary Scheme aligns with similar Supplementary schemes elsewhere. The divergence for measurements south of Kent Rail Station recognises that the River Lee is a major natural barrier. As new bridges become available, additional areas south of the River will be considered for re-inclusion to the Supplementary Scheme, as applicable.

Chief Executive’s Recommendation:

No Change to Draft Scheme.

Theme 5: Refund request for Community run Childcare Schemes

Submission 6 requests that a refund should apply to community-run childcare facilities where development contributions have already been paid.

Chief Executive’s Response:

Development contributions are attached to a permitted development as a condition on the grant of a planning permission. The Scheme is applied at the time of decision to ensure it is applied equitably. Retrospective refunds based on the nature of subsequent operators of any given development would risk the equitable application and sustainability of the Scheme.

Chief Executive’s Recommendation:

No Change to Draft Scheme.

Theme 6: Third level Institutions should be treated as Voluntary Organisations

Submission 3 requests that third-level institutions are included in the 100% waiver available to voluntary organisations in Table 5 and Table 4. Reference is made to relevant case law in relation to third level education institutions (with charitable status) having been established

to be voluntary organisations for the purposes of Article 157(1) of the Planning and Development Regulations, 2001 as amended.

Chief Executive’s Response:

Cork City Council acknowledges the importance of third level institutions and the crucial role they play in contributing to vitality, growth and development of Cork City.

The case law referenced in the submission is acknowledged, however the provisions of Article 157 of the Regulations do not necessarily dictate the reductions set out in the Draft Scheme. A Development Contribution Scheme must ensure a balance between the costs of providing public infrastructure and the need to support economic activity. Development at third level institutions – while essential for the City – can be significant and incur infrastructure demand which must be part-funded under the Development Contribution Scheme. While the issues raised are noted, it is not considered equitable for the purposes of the application of the Draft Scheme to include third level institutions under a 100% waiver from development contributions.

Chief Executive’s Recommendation:

No Change to Draft Scheme.

Theme 7: Equity between Student Accommodation and Apartments

Submission 3 requests the same reduction for purpose-built student accommodation as is available to apartments.

Chief Executive’s Response:

Purpose-built student accommodation is an essential component of managing the expansion and development of third level educational institutions in the City. However, it is not considered that additional waivers for this type of development are appropriate at this time as they are a very particular type of residential development based on a transient occupancy model, which is different to the delivery of residential homes, either houses or apartments.

Chief Executive’s Recommendation:

No Change to Draft Scheme.

Theme 8: Social and Affordable Housing Provision

Submission 5 requests that the waiver for contributions for social and affordable dwelling units delivered under Part V be extended to development delivered under the Affordable Housing Act 2021, as it aligns with and supports wider Government policy prioritising the delivery of affordable and social housing, and supports the delivery of compact urban development and regeneration, in particular the provisions contained within ‘Housing for All’.

Part 9 of the Land Development Agency Act 2021 sets the percentage of social and affordable housing units to be delivered in residential development on relevant public lands in Cork city as 100% (80% under Part 9 for population centres over 150,000 and 20% Part V obligation).

The submission requests that the 100% waiver in Table 5 of the Draft Scheme, applicable to category 5.2 “Social housing units and affordable housing units in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended)”, be extended to provide for social housing, affordable units and cost rental delivery with an agreement made under the Affordable Housing Act 2021.

The submission requests that the 100% waiver in Table 4 of the Draft Supplementary Scheme, applicable to category 4.2 “Social housing units and affordable housing units in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended)”, be extended to provide for social housing, affordable units and cost rental delivery with an agreement made under the Affordable Housing Act 2021.

Chief Executive’s Response:

Cork City Council recognises the critical role of the Land Development Agency (LDA) in the delivery of affordable and social housing in Cork City and its obligations under Housing for All and the LDA Act. As Part 9 of the LDA Act sets the percentage of social and affordable housing to be delivered in residential development on relevant public lands in Cork City as 100%, such lands merit inclusion in the 100% waiver in Table 5, Category 5.2 of the Draft General Scheme and in Table 4, Category 4.2 of the Draft Supplementary Scheme.

Chief Executive’s Recommendation:

- Update Table 5, Category 5.2 of the Draft General Scheme as follows: (proposed additional text ***thus***):

Cat. Ref.	Category	Reduction
5.2	Social housing units and affordable housing units in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended) ¹ <i>and applicable to lands subject to Part 9 of the LDA Act.</i>	100%

- Update Table 4, Category 4.2 of the Draft Supplementary Scheme (proposed additional text ***thus***):

Cat. Ref.	Category	Reduction
4.2	Social housing units and affordable housing units in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended) ² <i>and applicable to lands subject to Part 9 of the LDA Act.</i>	100%

¹ This applies to permissions where the Part V agreement for social and/or affordable housing units is in place has been agreed or conditioned at the time as the permission is issued. A deduction cannot be claimed retrospectively.

² This applies to permissions where the Part V agreement for social and/or affordable housing units is in place has been agreed or conditioned at the time as the permission is issued. A deduction cannot be claimed retrospectively.

Theme 9: Contributions as a means to influence sustainable development

Several submissions request that the development contributions differentiate between urban edge development that relies on the private car (with high contributions) and development which is accessible by active and public transport (with low contributions) (Subs 8, 9, 10). This would reflect the actual costs of construction and maintenance of public infrastructure.

The submissions also note that the level of car parking provided by a development ought to reflect the type and location of development. The lowest contribution would be for development in central locations, which requires no parking provision and development with higher parking provision (i.e. suburban development) would incur increased charges, in order to disincentivise car-borne development (Subs 9, 10).

Chief Executive's Response:

A key aim of the Draft Scheme is to promote sustainable development patterns. Incentives via reduced rates apply to development in the City Centre and Docklands areas, Neighbourhood Development Sites and areas zoned as Long-Term Strategic Regeneration in support of mainly town centre-type development. Additional waivers and reductions apply, for example, to works on protected structures and apartment development, which in the main benefit development in central locations and higher density development. In order to apply the Scheme equitably, specific area-based reductions must be unambiguously identified so that it can clearly be determined whether any given site is within such an area. The specific areas referred to above are all mapped either in the Draft Scheme or in the Cork City Development Plan 2022.

Other mechanisms beyond development contribution schemes are also relevant in addressing the substantive issues raised in the submissions under this submission Theme. The maximum car parking standards set out in the Cork City Development Plan 2022 differentiate between the City Centre, for example, and other locations, and provide for lower car parking provision where public transport is available. Cork City Council will continue to promote and facilitate active and public transport provision in line with measures under its various programmes and plans.

Chief Executive's Recommendation:

No Change.

6.0 Executive Recommended Amendments

Following publication of the Draft Scheme the Executive of Cork City Council conducted further review and validation of the Draft Scheme and the figures underpinning the Methodology. Arising from this exercise a number of amendments and corrections to the Draft Scheme are proposed.

Table 2 and Table 3 of the Draft General Scheme

‘Table 2: Existing & Probable Development’ as per the published Draft General DCS states:

Development per square metre	Residential	Non-Residential	Total	% of Total Dev
Existing development to date	10,030,900 (estimate)	11,733,877 (estimate)	21,764,777	87.56%
Probable development 2022-2028	1,810,489	1,281,935	3,092,424	12.44%
Total	11,841,389	13,015,812	24,857,201	100%

The entries under the “Residential” and “Total” columns, “Probable development 2022-2028” row were incorrect. This is a typographical error only as the correct figures were used in the calculations underpinning the rest of the Scheme and the development contribution rate. The “Residential”, “Probable development 2022-2028” cell should read “1,959,377” and the “Total”, “Probable development 2022-2028” cell should read “3,241,312”, with knock on implications for the total figures.

The corrected ‘Table 2: Existing & Probable Development’ should therefore read as follows:

Development per square metre	Residential	Non-Residential	Total	% of Total Dev
Existing development to date	10,030,900 (estimate)	11,733,877 (estimate)	21,764,777	<u>87.04%</u>
Probable development 2022-2028	<u>1,959,377</u>	1,281,935	<u>3,241,312</u>	<u>12.96%</u>
Total	<u>11,990,277</u>	13,015,812	<u>25,006,089</u>	100%

However, following the further review and validation exercise of the Draft Scheme, it emerged that adjustments were required to the baseline data which resulted in a refinement Table 2 above, and also of the development contribution rate in Table 3 of the General Scheme. following these adjustments and refinements, the correct updated Table 2 and Table 3 of the General Scheme are as follows:

Proposed corrected and updated ‘Table 2: Existing & Probable Development’:

Development per square metre	Residential	Non-Residential	Total	% of Total Dev
Existing development to date	10,030,900 (estimate)	11,733,877 (estimate)	21,764,777	<u>87.24%</u>
Probable development 2022-2028	<u>1,880,913</u>	<u>1,301,935</u>	<u>3,182,848</u>	<u>12.76%</u>
Total	<u>11,911,813</u>	<u>13,035,812</u>	<u>24,947,625</u>	100%

It is also proposed to update the consequent supporting text in the Scheme to reflect the above changes to Table 2.

‘Table 3: Development Contributions for residential and/or non-residential development’ as per the published Draft General DCS states:

Class	Class 1	Class 2	Class 3	Total
€ per square metre	€28.48	€2.80	€23.01	€54.29

Proposed corrected and updated ‘Table 3: Development Contributions for residential and/or non-residential development’:

Class	Class 1	Class 2	Class 3	Total
€ per square metre	<u>€26.16</u>	<u>€2.57</u>	<u>€21.14</u>	<u>€49.87</u>

Chief Executive’s Recommendation

- Provide corrected ‘Table 2: Existing & Probable Development’ of the Draft General DCS as follows:

Development per square metre	Residential	Non-Residential	Total	% of Total Dev
Existing development to date	10,030,900 (estimate)	11,733,877 (estimate)	21,764,777	<u>87.24%</u>
Probable development 2022-2028	<u>1,880,913</u>	<u>1,301,935</u>	<u>3,182,848</u>	<u>12.76%</u>
Total	<u>11,911,813</u>	<u>13,035,812</u>	<u>24,947,625</u>	100%

- Update supporting text in pages 5 and 6 of the Draft General DCS to reflect the above recommended changes to ‘Table 2: Existing & Probable Development’ as follows (text to be deleted indicated ~~thus~~, new text indicated **thus**):

Both existing development (21,764,777 sqm) and probable development (~~3,092,424~~ **3,182,848** sqm) will accrue a benefit from the provision of the infrastructural projects set out in Table 1.

However, any benefit which accrues in respect of existing development (~~87.56~~ **87.24%**) must be excluded in calculating the development contributions to be levied under the scheme. Therefore, the portion of the project costs of €672,922,199 being allocated to probable development is ~~€83.71~~ **€85.85M** (~~12.44~~ **12.76%**).

Accordingly, the charges to be levied are calculated by dividing the eligible project costs of ~~€83.71~~ **€85.85M** by the amount of development which is projected to occur (~~3,092,424~~ **3,182,848** sqm) during the lifetime of the Scheme. Adjustments are then made to enable for the provision of waivers and reductions in accordance with Tables 5 and 6, which are derived from statute, s28 Guidelines for Planning Authorities and Cork City Council’s objectives contained in the Cork City Development Plan 2022-2028.

- Provide corrected 'Table 3: Development Contributions for residential and/or non-residential development' of the Draft General DCS as follows:

Class	Class 1	Class 2	Class 3	Total
€ per square metre	<u>€26.16</u>	<u>€2.57</u>	<u>€21.14</u>	<u>€49.87</u>

7.0 Summary of Recommended Changes to Scheme

The following changes to the Scheme are recommended in this Chief Executive's Report:

- (i) Update Table 5, Category 5.2 of the Draft General Scheme as follows: (proposed additional text ***thus***):

Cat. Ref.	Category	Reduction
5.2	Social housing units and affordable housing units in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended) ³ <i>and applicable to lands subject to Part 9 of the LDA Act.</i>	100%

- (ii) Update Table 4, Category 4.2 of the Draft Supplementary Scheme (proposed additional text ***thus***):

Cat. Ref.	Category	Reduction
4.2	Social housing units and affordable housing units in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended) ⁴ <i>and applicable to lands subject to Part 9 of the LDA Act.</i>	100%

- (iii) Provide corrected 'Table 2: Existing & Probable Development' of the Draft General DCS as follows:

Development per square metre	Residential	Non-Residential	Total	% of Total Dev
Existing development to date	10,030,900 (estimate)	11,733,877 (estimate)	21,764,777	<u>87.24%</u>
Probable development 2022-2028	<u>1,880,913</u>	<u>1,301,935</u>	<u>3,182,848</u>	<u>12.76%</u>
Total	<u>11,911,813</u>	<u>13,035,812</u>	<u>24,947,625</u>	100%

³ This applies to permissions where the Part V agreement for social and/or affordable housing units is in place has been agreed or conditioned at the time as the permission is issued. A deduction cannot be claimed retrospectively.

⁴ This applies to permissions where the Part V agreement for social and/or affordable housing units is in place has been agreed or conditioned at the time as the permission is issued. A deduction cannot be claimed retrospectively.

- (iv) Update supporting text in pages 5 and 6 of the Draft General DCS to reflect the above recommended changes to 'Table 2: Existing & Probable Development' as follows (text to be deleted indicated ~~thus~~, new text indicated **thus**):

Both existing development (21,764,777 sqm) and probable development (~~3,092,424~~ **3,182,848** sqm) will accrue a benefit from the provision of the infrastructural projects set out in Table 1.

However, any benefit which accrues in respect of existing development (~~87.56~~ **87.24**%) must be excluded in calculating the development contributions to be levied under the scheme. Therefore, the portion of the project costs of €672,922,199 being allocated to probable development is ~~€83.71~~ **€85.85M** (~~12.44~~ **12.76**%).

Accordingly, the charges to be levied are calculated by dividing the eligible project costs of ~~€83.71~~ **€85.85M** by the amount of development which is projected to occur (~~3,092,424~~ **3,182,848** sqm) during the lifetime of the Scheme. Adjustments are then made to enable for the provision of waivers and reductions in accordance with Tables 5 and 6, which are derived from statute, s28 Guidelines for Planning Authorities and Cork City Council's objectives contained in the Cork City Development Plan 2022-2028.

- (v) Provide corrected 'Table 3: Development Contributions for residential and/or non-residential development' of the Draft General DCS as follows:

Class	Class 1	Class 2	Class 3	Total
€ per square metre	<u>€26.16</u>	<u>€2.57</u>	<u>€21.14</u>	<u>€49.87</u>

8.0 Next Steps

This Chief Executive's Report is hereby submitted to Members for consideration at the meeting of Council on 13th February 2023. In accordance with section 48 (8) of the Planning and Development Act 2000 as amended, the Members shall make the scheme, unless they decide, by resolution, to vary or modify the scheme, otherwise than as recommended in the Chief Executive's report or otherwise decides not to make the scheme.

END

Appendix 1: List and Summary of Submissions

* 'Ref. No' have "CRK-C229-CONSC" prefix


Ref. No	From	Submission Summary
1	CIF (Cork branch)	<p>The submission welcomes the reduction in Development Contributions assigned to Class 1 (Transportation Infrastructure). Observations are made on Class 2 and 3. It recommends the cost of providing on-site amenities should be allowed to be offset against a portion of the contribution rate.</p> <p>The contribution rate is not considered viable and will place additional barriers to delivery. It outlines the issue of viability, and the removal of the first-time buyer's grant is affecting the cost of delivering balanced community growth. Increased costs are a further barrier to securing finance within the investment sector. It recommends the application of further exemptions and the application of the higher rate of reductions for residential development across the entire Scheme period.</p> <p>The increase to the Supplementary Contribution Scheme is considered a disincentive to residential and retail development along the rail corridor and at odds with Climate Action goals.</p>
2	Longview	<p>The submission notes that there appears to be a higher charge relative to the same method of calculation in the preceding schemes. It welcomes that the previously committed exemptions under Table 5 and Table 6 are retained and commends the inclusion of exemptions to benefit the early delivery of apartments and housing under 5.19 and 5.20.</p> <p>It requests that exemptions be expanded to include the provision of major public infrastructure, where it is provided by developers (be they public or private). A number of possible scenarios are outlined where these offsets could be applied, and a justification made for same.</p>
3	University College Cork	<p>The submission outlines UCC's work and contribution to Cork City, the region and state which is undertaken on a non-profit basis (registered with the Charities Regulatory Authority).</p> <p>The submission cites the Cork City Development Plan 2022 which acknowledges the significance of third level educational and further education institutions in the City and provides support for ongoing development and purpose-built student accommodation. The submission requests 3 amendments:</p> <ol style="list-style-type: none"> 1. Include third level educational institutions (with charitable status) in category reference 5.1, Table 5 of the General Scheme, and category reference 4.1, Table 4 of the Supplementary Scheme, which allow a 100% reduction to voluntary organisations. <p>These exceptions in the current Draft Scheme note that a 100% reduction will not apply to third level educational institutions and student accommodation. The submission maintains that third level education (with charitable status) have been established in case law to be voluntary organisations and should be treated as 'voluntary organisations' for the purposes of Article 157(1) of the Planning Regulations and the 100% reductions described above should be extended to include third level educational institutions (with charitable status).</p> <ol style="list-style-type: none"> 2. The submission requests to include student accommodation in category reference 5.19, Table 5 of the General Scheme, and category reference 4.19, Table 4 of the Supplementary Scheme, both of which refer to '% Reductions in respect of specified categories of development'. By providing no reduction for student accommodation, the submission maintains that such

Ref. No	From	Submission Summary
		<p>development is put at a disadvantage compared to residential apartments, where a 60% reduction in contributions is proposed during the first three years of the scheme, reducing to 50% thereafter. Such an amendment would support the delivery of purpose-built housing for students and ease supply pressure in the rental housing market.</p> <p>3. The submission maintains that the principle of walking distance should be applied to all areas within the city and it is submitted that the Supplementary Scheme should be amended to clarify that the Supplementary Scheme is payable by development types within a specified walking distance of an existing or proposed railway station, as opposed to measuring the distance 'as the crow flies' to either the station or railway line. This amendment would recognise that proximity to the railway line offers no benefit to developments unless there is reasonable access to a station within easy walking or cycling distance.</p>
4	HQ Developments	<p>The submission supports the Scheme and in particular Category Reference 4.19 which provides for reductions to incentivise residential apartment delivery. The reductions provided will greatly improve the viability of residential development in Cork City.</p>
5	Land Development Agency (LDA)	<p>Part 9 of the LDA Act sets the percentage of affordable housing units to be delivered in residential development on relevant public lands in Cork city as 100% (80% under Part 9 for population centres over 150,000 and 20% Part V obligation). The submission requests that the 100% waiver in Table 5 of the draft scheme, applicable to Category 5.2 <i>"Social housing units and affordable housing units in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended)"</i>, be extended to provide for social housing, affordable units and cost rental delivery with an agreement made under the Affordable Housing Act 2021.</p> <p>The submission requests that the 100% waiver in Table 4 of the draft scheme, applicable to category 4.2 <i>"Social housing units and affordable housing units in accordance with an agreement made under Part V of the Planning and Development Act 2000 (as amended)"</i>, be extended to provide for social housing, affordable units and cost rental delivery with an agreement made under the Affordable Housing Act 2021.</p> <p>The inclusion of the waiver for contributions for dwelling units delivered under the Affordable Housing Act 2021 aligns and supports wider government policy priorities regarding the delivery of affordable and social housing. It also supports the delivery of compact urban development and regeneration, in particular the provisions contained within "Housing for All".</p> <p>The submission welcomes that category 5.5 allows for a 100% waiver on works for protected structures, including the restoration or refurbishment to a high architectural standard.</p> <p>The submission notes that a circular is to issue from the Department on Part 9 Planning Condition – Delivery of Affordable Housing on Relevant Public land to all and related affordability requirements.</p>
6	Cairn Homes Limited	<p>The submission requests a number of amendments:</p> <ol style="list-style-type: none"> 1. Reinstate the 100% reduction for the provision of social and affordable housing by voluntary / cooperative housing bodies into Table 5 of the General Scheme and Table 4 of the Supplementary Scheme. 2. Remove, or clarify, the provisions of footnote (2), category reference 5.2 of Table 5, which states that the reduction in respect of Part V units applies

Ref. No	From	Submission Summary
		<p>where the agreement is in place or has been agreed or conditioned at the time as the permission is issued.</p> <ol style="list-style-type: none"> 3. Revise the provisions of category 5.19 in Table 5 and category 4.20 in Table 4 to increase the reduction for houses to 50% and to retain the higher rate of 60% for apartments. Both reduction rates should be retained for the duration of the Contribution Scheme. 4. Omit or reduce development contributions for car parking in covered areas (e.g. basements, undercrofts etc). 5. A refund should apply to community-run childcare facilities where development contributions have already been paid.
7	O'Callaghan Properties	<p>The submission makes several recommendations:</p> <ol style="list-style-type: none"> 1. There are major viability issues around the delivery of apartments. To help address this at a local level, a consistent rate of reduction for development contributions for apartments should be available during the full period of the contribution scheme and not reduced 3 years after the scheme has been adopted. 2. Cork City Council should consider further increasing the rate of reduction available for apartments. 3. Serious consideration should be given to an increased reduction (for residential development) to address the current housing emergency. 4. The restriction that a maximum of 1 Table 6 reduction can be availed of should be removed. 5. Footnote 2 of Table 5 should also be removed. Reductions for the provision of social and affordable units should be available for agreements that are made at planning stage and post planning.
8	Darren McAdam-O'Connell	<p>The submission maintains that car dependent development contributions should reflect the actual costs imposed upon the local authority by the construction and maintenance of the public infrastructure required by the presence of that development. Otherwise, developments that require proportionately much greater public expenditure on services and infrastructure, i.e. car dependent and at the urban edge developments, are effectively subsidised by developments that impose a significantly lesser cost in terms of the services and infrastructure required, i.e. inner urban development, accessible by active transport and public transport.</p> <p>The submission requests that development contributions should seek to remedy this anomaly by finding a method to ensure that developments that result in a greater public services and infrastructure cost as they incorporate the increased use of private motor vehicles pay very significant higher contributions than development that does not attract or accommodate the same level of private motorised transport.</p>
9	Transport Mobility Forum Cork (TMF)	<p>The TMF request that contributions be rebalanced to reflect the different costs imposed by developments that generate a greater or lesser level of motor traffic due to its level of car dependency as determined by its nature, location, layout, and parking provision. This would be reflected in the scheme by differentiating as follows:</p> <ol style="list-style-type: none"> 1. Developments easily accessible by active transport and public transport as determined by location and density receive a significant reduction in the development levy. 2. Developments at lower densities and in areas which are not easily accessible by active travel and public transport and highly car dependent would have to

Ref. No	From	Submission Summary
		<p>pay an additional top-up levy to account for the increased costs of providing road infrastructure and reflective of the increased traffic burden.</p> <p>3. Levy bands are introduced and determined by the level of parking provided with a development. Development which requires no parking would have the lowest contribution, and development with higher parking would increase charges.</p>
10	Be Welcome Cork (CS/BW)	<p>The submission maintains that the development contribution scheme should better reflect the low impact of car free city centre development in comparison with the extreme costs of isolated car dependent development. Reference is made to the historic low density, dispersed development pattern which necessitates and is dominated by, car travel, and the preference for a lifestyle where people can walk or cycle to work. In order to facilitate such a lifestyle, and to recruit and retain high quality mobile international talent to Cork and Ireland, the submission maintains that funding for public transport and active travel must be greater than for building roads.</p>

Appendix 2: Newspaper Advert



Comhairle Cathrach Chorcaí
Cork City Council

**SECTION 48, PLANNING &
DEVELOPMENT ACT 2000,
AS AMENDED.**

Pursuant to the provisions of Section 38 of the Road Traffic Notice is hereby given pursuant to Section 48 of the Planning and Development Act 2000, as amended, that Cork City Council has prepared a Draft Development Contribution Scheme 2023 - 2029 for its administrative area. A copy of the Draft Development Contribution Scheme can be inspected at the following locations:

- www.corkcitydevelopmentplan.ie
- The Public Consultation section of the website at: <http://consult.corkcity.ie/en>
- The Planning Counter, Cork City Council, City Hall, Anglesea Street, Cork from 10 a.m. to 4 p.m. Monday - Friday.
- All City Libraries.

Making a Submission

Cork City Council hereby invites any interested parties to make a submission/ observation on the Draft Development Contribution Scheme 2023-2029 from Friday 9th December 2022 until 5pm on 16th January 2023 inclusive, via the following mediums:

- The Public Consultation Portal at: <http://consult.corkcity.ie/>
- In writing marked "Development Contribution Scheme" to Mr. Fearghal Reidy, Director of Services, Strategic & Economic Development Directorate, Cork City Council, City Hall
- By email: Citydevplan@corkcity.ie

Written submissions received at City Hall by not later than 5.00 pm, January 16th 2023 will be taken into consideration before the making of the Proposed Development Contribution Scheme.

In respect to making a submission, please note the following:

- Submissions/ observations should include your name and address and where relevant, details of any organisation, community group or company etc. which you represent.
- Children or groups or associations representing the interests of children, are particularly encouraged to make submissions or observations.
- Please note that observations or submissions will be made public on the Council's website (<http://consult.corkcity.ie/>) and will also form part of the statutory Chief Executive's Report, which may be published on the Council's website. The details including the names of those making a submission may be shared with relevant Council and Government Departments or their agents involved in the process.
- Please make your submission by one medium only, i.e. hard copy, e-mail or website.
- Written submissions or observations made to the Planning Authority within the period stated will be taken into account when preparing the Chief Executives Report. As stated above, submissions will only be accepted during the period 9am, 9th December 2022 to 16th January 2023. Late submissions will not be accepted.
- Please note that in accordance with Section 12 of the Planning and Development Act 2000 (as amended) all valid submissions received by the Council shall be published on the Cork City Council website within 10 working days of its receipt by the Council and can be viewed at <http://consult.corkcity.ie>. You should ensure that no vexatious, libellous, or confidential information, including confidential information relating to a third party (in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure) is included in your submission or part thereof that does not comply with this requirement. Please be advised that the submission will be published in full to include any name, address, etc. required.

Cork City Council is subject to the requirements of the Freedom of Information Act, 2014, the Data Protection Act, 2018 and to the General Data Protection Regulations (GDPR).

Cork City Council's GDPR policy and Privacy Policy is available on our website at <https://www.corkcity.ie/en/council-services/public-info/gdpr/> or via hardcopy from our offices at City Hall, Anglesea Street, Cork.

In order to assist us in complying with Data Protection and GDPR, if making a submission by post, on the online Portal or by email, please include your name and contact details (and where relevant, details of any organisation, community group or company etc., which you represent), on a separate sheet to the content of your submission/ observation.

Dated: 9th December 2022
Fearghal Reidy,
Director of Services, Strategic and Economic Development
DESIGNATED PUBLIC OFFICIAL UNDER REGULATIONS OF
LOBBYING ACT, 2015