



Planning Department
Wicklow County Council
County Buildings
Whitegates
Wicklow Town
A67 FW96

Tuesday, 20th December 2022

To Whom It May Concern

RE: SUBMISSION IN RESPECT OF WICKLOW COUNTY COUNCIL'S RESIDENTIAL ZONED LAND TAX DRAFT MAP IN RESPECT OF LANDS AT:

KEATINGSTOWN, WICKLOW, CO. WICKLOW

1.0 INTRODUCTION

1.1 Purpose of this Submission

Thornton O'Connor Town Planning¹ have been retained by [REDACTED]² to prepare this Submission to Wicklow County Council in respect of *Wicklow County Council's Residential Zoned Land Tax Draft Map*, the preparation of which was introduced under the *Finance Act 2021*. This Submission relates to lands in the ownership of [REDACTED] at Keatingstown, Wicklow, Co. Wicklow.

On 1st November 2022, Wicklow County Council published the requisite *Residential Zoned Land Tax Draft Map* that identifies lands within its functional area that are considered to be suitably zoned and serviced and thus 'In Scope' for tax purposes.

The *Residential Zoned Land Tax Draft Map* prepared by Wicklow County Council includes lands at Keatingstown, Wicklow, Co. Wicklow which are in the ownership of Glenveagh Homes Limited. An extract from the *Residential Zoned Land Tax Draft Map*, annotated to highlight the extent of the lands subject to this Submission is included overleaf (Figure 1.1):

¹ [REDACTED]

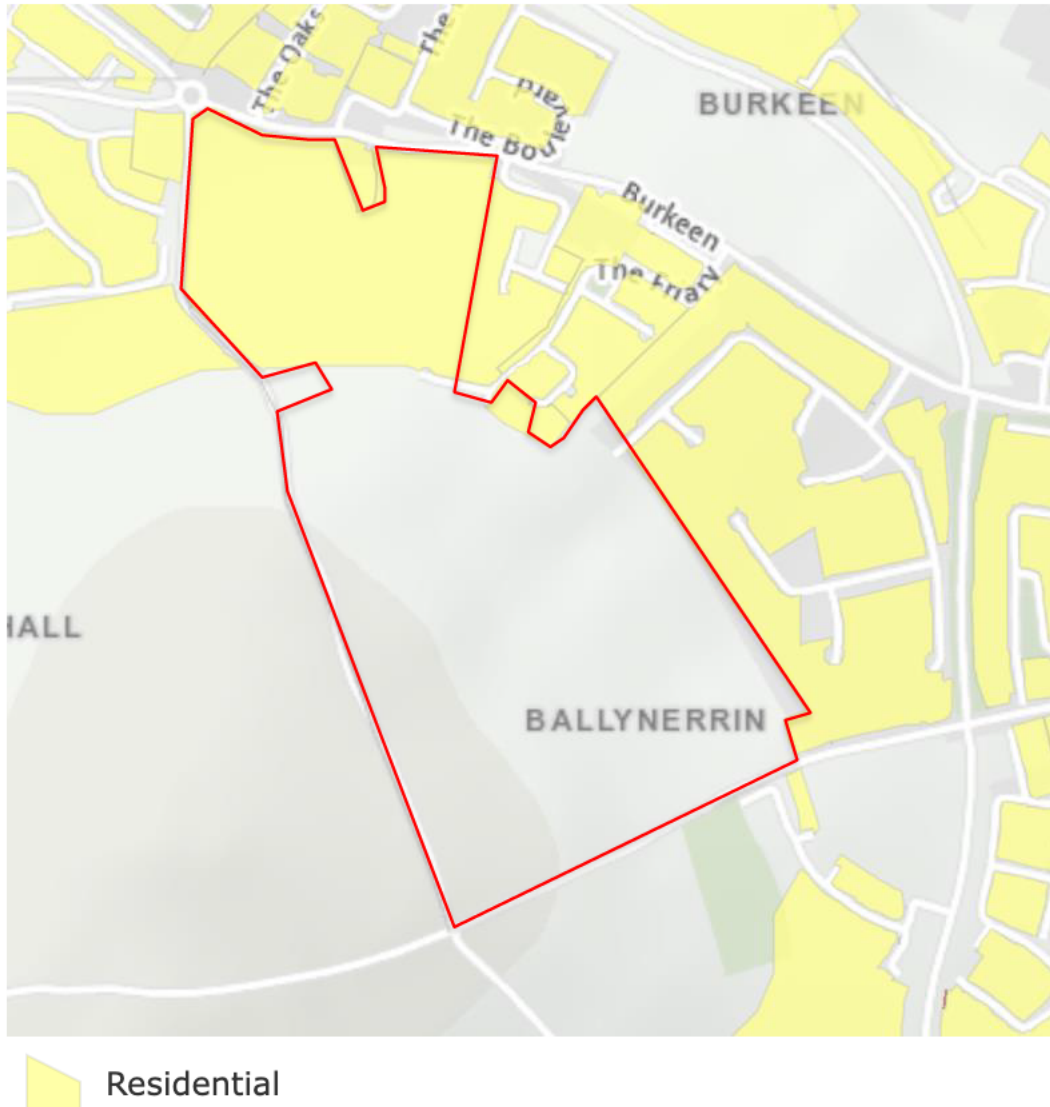


Figure 1.1: Extract from *Wicklow County Council’s Residential Zoned Land Tax Draft Map* with the Indicative Boundary of the Subject Site Outlined in Red

(Source: *Wicklow County Council Residential Zoned Land Tax Draft Map, Annotated by Thornton O’Connor Town Planning, 2022*)

This Submission to Wicklow County Council in respect of the *Residential Zoned Land Tax Draft Map* is made without prejudice to any future attempts to secure Planning Permission on the lands subject to this Submission.

Key Point: The purpose of this Submission is to provide information to Wicklow County Council that demonstrates that the lands in the ownership of [REDACTED] at Keatingstown, Wicklow, Co. Wicklow **do not meet** the qualifying criteria set out in Section 653B of the *Finance Act 2021* for inclusion on the ‘Draft Map’.

Development of the subject site is dependent upon the upgrade of Broomhall Road, which is to be constructed on lands which are not in the ownership of Glenveagh Homes Limited or the Local Authority.

Thus, this Submission, which is made in accordance with Section 653D of the *Finance Act 2021*, is seeking the exclusion of the aforementioned lands at Keatingstown, Wicklow from the 'Supplemental Map' and 'Final Map' on the basis that the lands do not meet the qualifying criteria.

1.2 Format of this Submission

The following is the format of this Submission:

Section 1 provides the **Introduction** to this Submission;

Section 2 provides an overview of the **Subject Site – Location, Description and Context**;

Section 3 provides an overview of the **Residential Zoned Land Tax – Scoping In/Out**, having specific regard to the lands subject to this Submission;

Section 4 presents the **Rationale for Scoping Out – Clear Impediment to Development**;

Section 5 sets out the **Concluding Remarks**.

2.0 SUBJECT SITE – LOCATION, DESCRIPTION AND CONTEXT

2.1 Site Location and Description

The site is located in the townlands of Broomhall/Ballynerrin, located c. 1.7 km from the town centre of Wicklow and c. 1.2 km from the centre of Rathnew village. The site is accessed off Broomhall Court, which connects Rathnew and Wicklow.

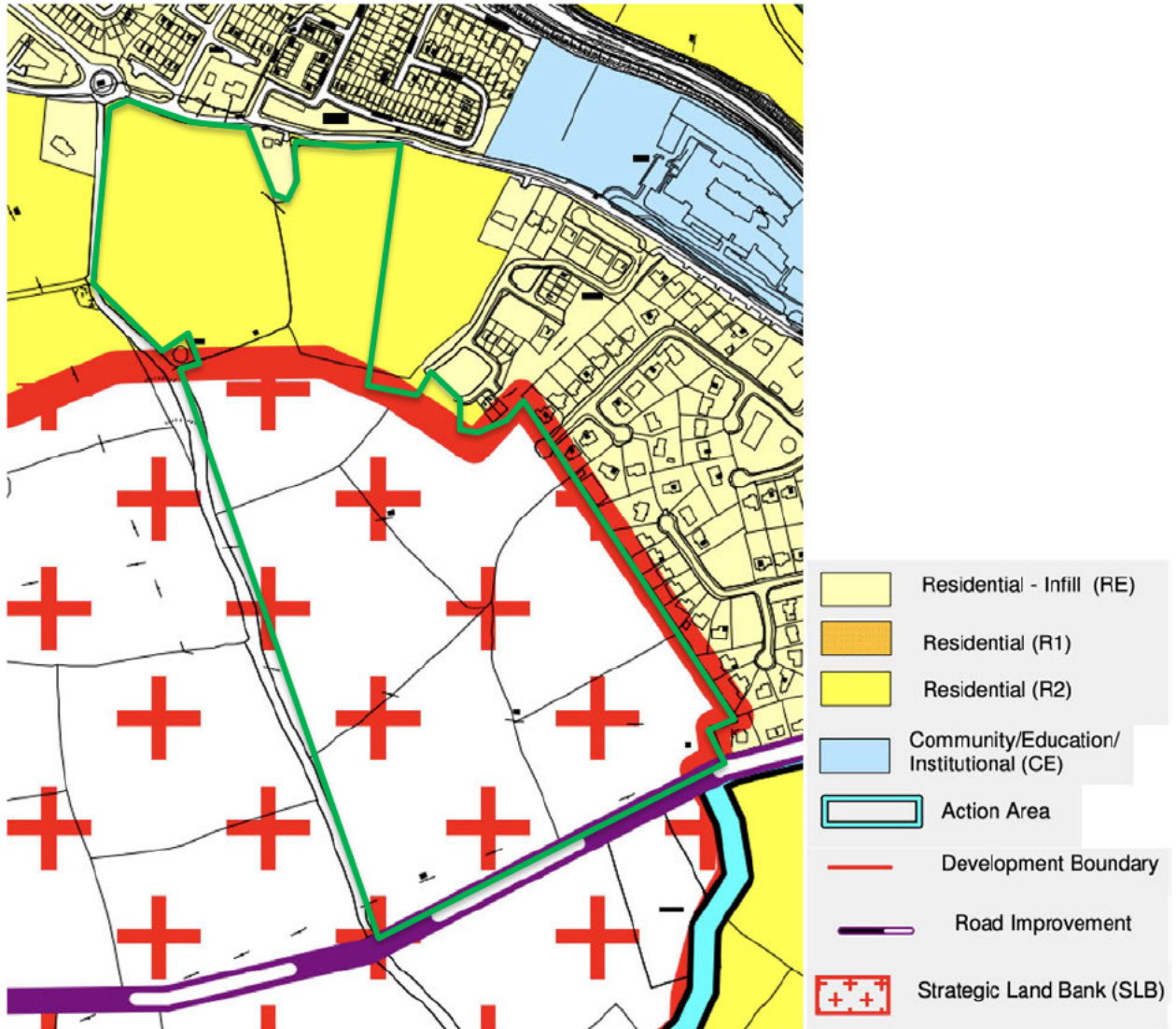


Figure 2.1: Extract from *Wicklow Town – Rathnew Development Plan 2013-2019* Land Use Zoning Objectives with the Indicative Boundary of the Subject Site Outlined in Green

(Source: *Wicklow Town Council, Wicklow County Council, Wicklow Town – Rathnew Development Plan 2013-2019*, Annotated by Thornton O’Connor Town Planning, 2022)



Figure 2.2: Aerial Image Showing the Lands Owned by Glenveagh Homes Limited at Keatingstown (Indicatively Outlined in Yellow) and Surrounding Context

(Source: Google Earth, Annotated By Thornton O'Connor Town Planning, 2022)

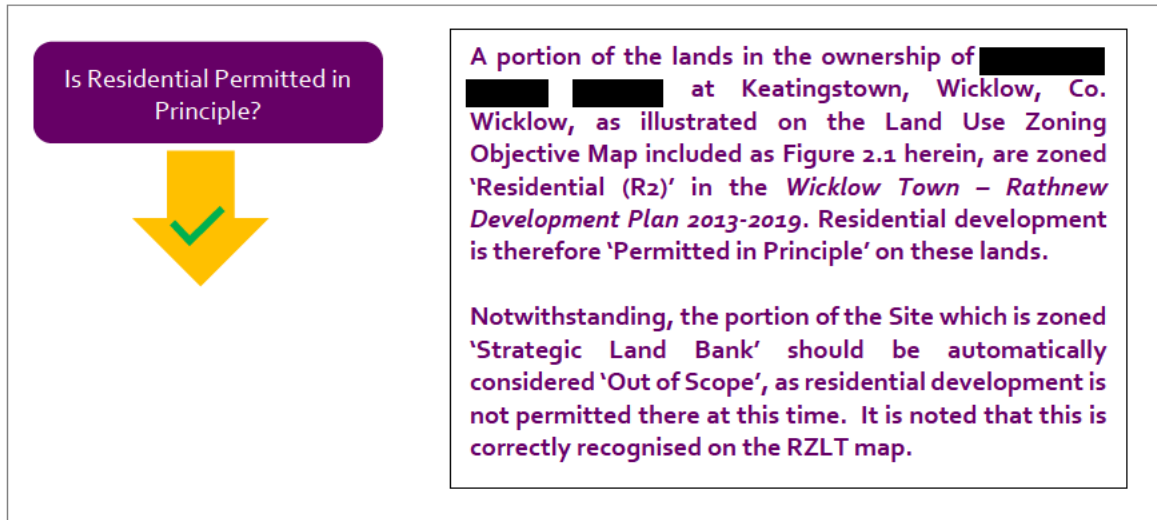
2.2 Site Context

The subject lands are greenfield and are situated adjacent to the western suburbs of Wicklow town. The existing residential areas of Keatingstown and Friary are immediately adjacent. The site is bounded by Broomhall Court to the north, Kirvin Hill, a residential development to the west, and Rockey Road/ Ashtown Lane to the south. Junctions 16 and 17 of the M11 motorway are to the west of Wicklow Town and provide access to the national road network. Rail services are available from Wicklow Train Station, which is approximately 2.3km from the subject site.

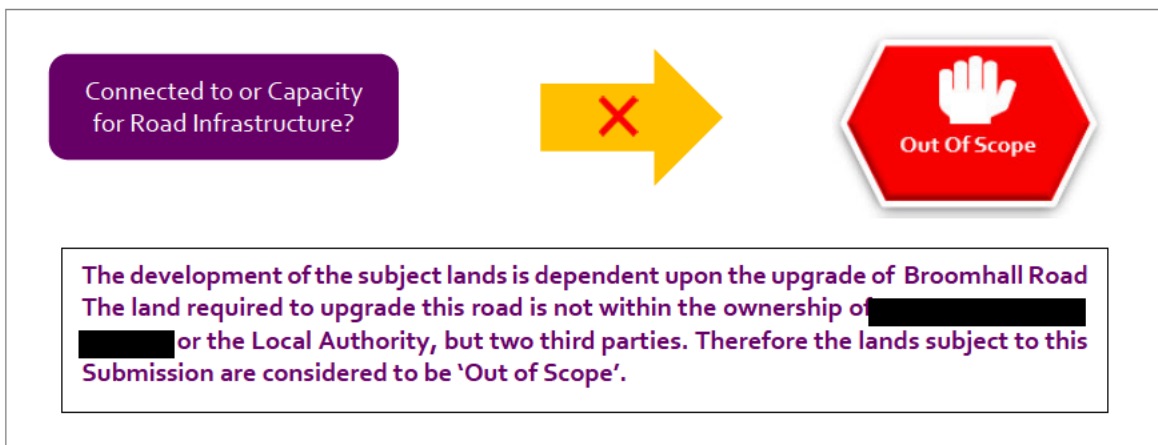
3.0 RESIDENTIAL ZONED LAND TAX – SCOPING IN/OUT

Having regard to the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)* and in particular Appendix 4 therein, a Scoping Exercise, which is graphically illustrated below, has been undertaken by Thornton O’Connor Town Planning to determine if the lands in the ownership of [REDACTED] at Keatingstown, Wicklow, Co. Wicklow meet the qualifying criteria to be within the scope of the Residential Zoned Land Tax.

Step 1



Step 2



4.0 RATIONALE FOR SCOPING OUT – CLEAR IMPEDIMENT TO DEVELOPMENT

The lands in the ownership of [redacted] at Keatingstown, Wicklow, Co. Wicklow, as detailed in Section 3.0 above and elaborated upon herein, are considered 'Out of Scope' as they do not satisfy the qualifying criteria.

4.1 The Development of the Lands Owned by [redacted] at Keatingstown is Dependent Upon the Upgrade of Broomhall Road, which Requires Lands Owned by Third Parties

Regarding road access to potential sites, the *Residential Zoned Land Tax – Guidelines for Planning Authorities June 2022*, state:

'In considering road access, the Planning Authority must take into account the ease of access to existing road infrastructure by the identified lands. Construction of significant sections of new road access across other landholdings, should be discounted with the exception of Local Authority owned lands, where use and access are a matter for the authority.' [Our emphasis]

The RZLT Guidelines also state that land included on the RZLT map:

'must be connected to, or have access to public infrastructure and facilities necessary for dwelling to be developed and with sufficient service capacity available for such development.'

An upgrade of Broomhall Road is necessary to facilitate the development of these lands as detailed in Planning Application Reg. Refs. 21/1119 (Phase 1) and 21/1189 (Phase 2) (both currently under appeal and awaiting a decision from An Bord Pleanála). Currently, this road is too narrow and lacks suitable pedestrian facilities to provide an adequate access to the subject site. The required land has split ownership, as detailed in the planning application form (see Figure 4.1), the letters of consent as detailed in Appendix A and further shown in Figure 4.2 below. Neither [redacted] (or any of their subsidiaries) nor Wicklow County Council owns these lands.

10. Legal Interest of Applicant in the Land or Structure:		
Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Occupier
	X	
	C. Other	
	X	
If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation.	Please see letters of Consent	
	Broomhall Estates Ltd., Unit 8 Merrymeeting Shopping Centre, Rathnew, Co. Wicklow Maurice Sheehy, Unit 8 Merrymeeting Shopping Centre, Rathnew, Co. Wicklow	

Figure 4.1: Extract from Planning application Form- WCC Reg. Ref. 211119

Source: <https://www.eplanning.ie/WicklowCC/searchtypes>

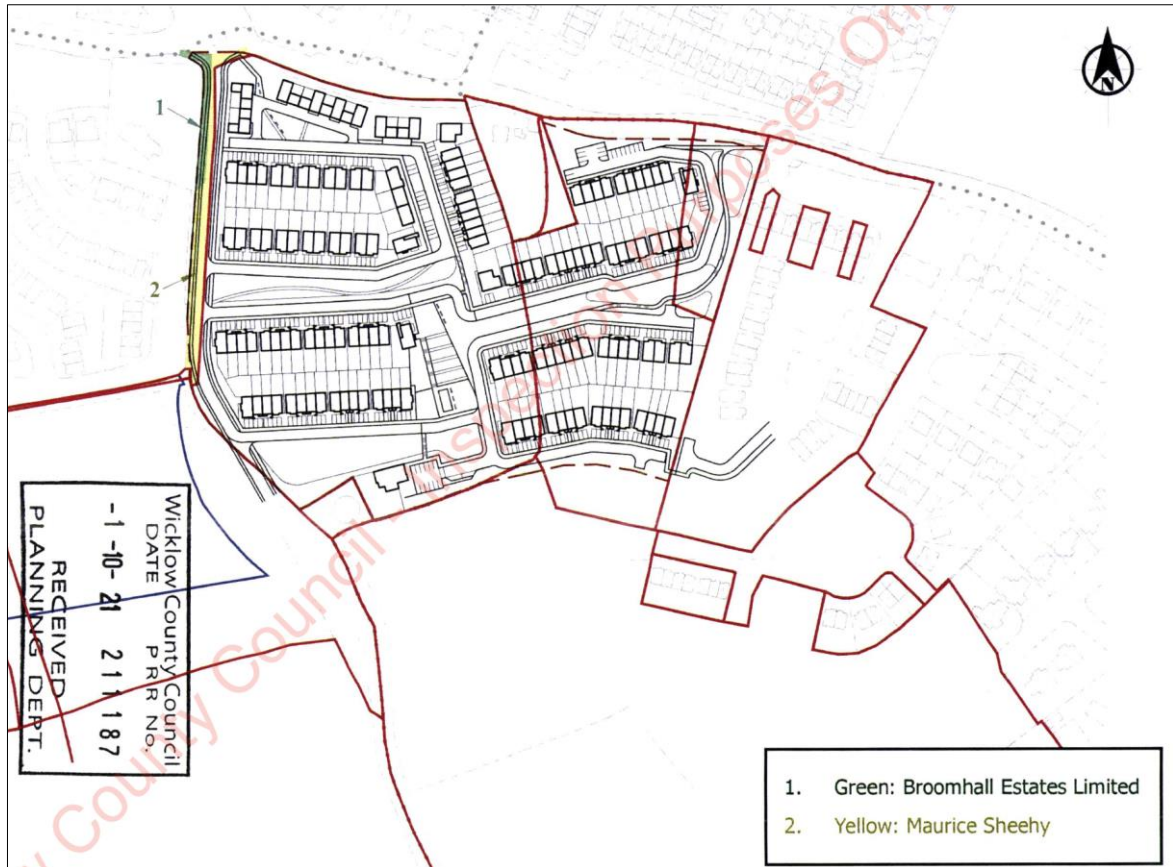


Figure 4.1: Proposed Site Layout for Subject Lands, with Land Ownership of Access Road Shown in Yellow and Green

(Source: Wicklow County Council Online Planning Search, 2022)

Planning permission for development on the subject site was granted by Wicklow County Council under Reg. Refs. 21/1119 (Phase 1) and 21/ 1187 (Phase 2). These decisions were both appealed to An Bord Pleanála by third parties, and a decision is currently awaited. While An Bord Pleanála’s ultimate determination is as yet unknown, Wicklow County Council included the following condition on their approval in both applications:

‘g(a) No dwelling shall be occupied until the upgrade to the existing Broomhall Junction Roundabout and associated footpaths/ cyclepaths have been constructed in full.’

It is likely that in the event of a positive decision from An Bord Pleanála, a similar condition would be applied on that approval and the road upgrade forms part of the plans and particulars of the application. Implementation of the permission and compliance with this condition, which relates to road access, would necessitate land outside the ownership of our Client, and the Local Authority. The RZLT Guidelines foresee these circumstances, and state that lands which require new road access across the landholdings of third parties are exempt from this Tax:

‘Construction of significant sections of new road access across other landholdings, should be discounted with the exception of Local Authority owned lands’

The required lands are outside the ownership of [REDACTED] and Wicklow County Council. For this reason, the subject lands are clearly **‘Out of Scope’**.

5.0 CONCLUSION

The key purpose of this Submission is to demonstrate to Wicklow County Council that the lands in the ownership of [REDACTED] at Keatingstown, Wicklow, Co. Wicklow **do not meet** the qualifying criteria set out in Section 653B of the *Finance Act 2021* for inclusion on the 'Draft Map'.

The development of the lands in the ownership of [REDACTED] at Keatingstown, Wicklow, as demonstrated herein, is dependent upon road upgrades and construction wherein a portion of the necessary land is in the ownership of two third parties. As such the lands subject to this Submission are considered '**Out of Scope**'.

We trust the content of this Submission will be duly considered and we look forward to receiving confirmation³ that the subject lands are considered 'Out of Scope' as they do not satisfy the qualifying criteria and will thus be excluded from the 'Supplemental Map' and 'Final Map'.

Yours faithfully,

A handwritten signature in black ink that reads "Patricia Thornton".

Patricia Thornton
Director
Thornton O'Connor Town Planning

³ Not later than 1st April 2023 in accordance with Legislation.

APPENDIX A: LETTERS OF CONSENT SUBMITTED WITH REG. REF. 21/1119 & 21/1189

LETTER OF CONSENT

RE: Lands at Broomhall, Keatingstown, Wicklow

Dear Sir/Madam,

I/We hereby give consent to [REDACTED] to make a planning application relating to lands under the ownership/control of Broomhall Estates Limited as denoted 1 and coloured green on drawing 21004_LR_001 R2

Yours faithfully,

[REDACTED]

Wicklow County Council
DATE P.R.R. No.
10-09-21 211119
RECEIVED
PLANNING DEPT.

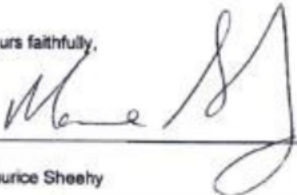
LETTER OF CONSENT

RE: Lands at Broomhall, Keatingstown, Wicklow

Dear Sir/Madam,

I/We hereby give consent to [redacted] to make a planning application relating to lands under the ownership/control of Broomhall Estates Limited as denoted 2 and coloured yellow on drawing 21004_LR_001 R2.

Yours faithfully,



Maurice Sheehy

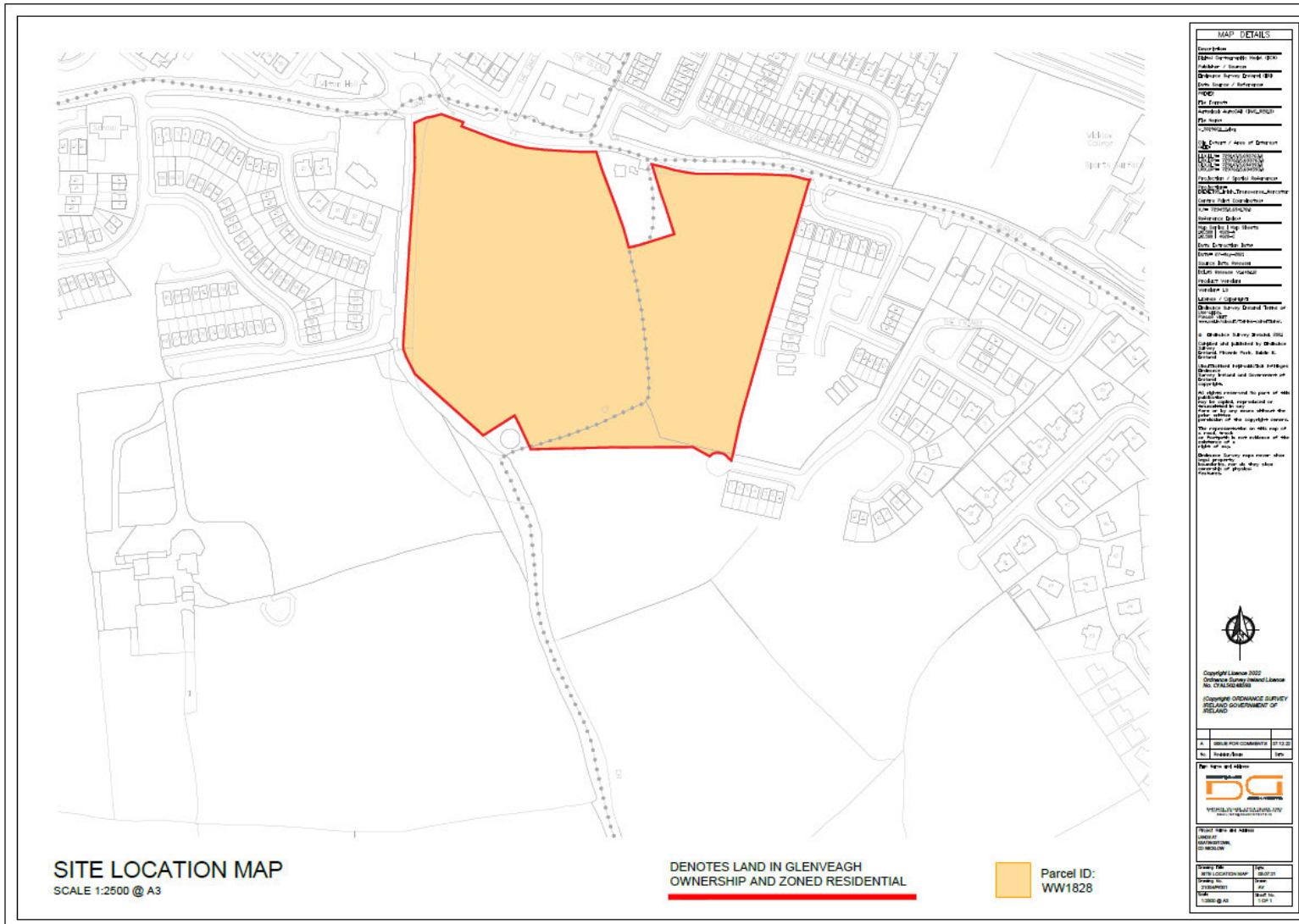
Address: [redacted]

Date: [redacted]

Wicklow County Council
DATE P R R No.
10 -09- 21 2 1 1 1 1 9
RECEIVED
PLANNING DEPT.



APPENDIX B: OS MAP





APPENDIX C: FOLIOS

Land Registry

County Wicklow

Folio 13842F

Register of Ownership of Freehold Land

Part 1 (A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	The property shown coloured Red as plan(s) 274 on the Registry Map, situate in the Townland of BALLYNERRIN, in the Barony of NEWCASTLE, in the Electoral Division of WICKLOW RURAL.	From Folio WW2366

Land Registry

County Wicklow

Folio 13842F

Part 1(B) - Property

Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:
1	1	D2005KW016852P	27-OCT-2005		37_1	WW28520F
2	1	D2006KW020637V	01-NOV-2006		BGWN1	WW30683F

Land Registry

County Wicklow

Folio 13842F

Transfer Notes

Entry No. 1 Plan No. Should read Plan 275. See Q2018LR000019V.

Land Registry

County Wicklow

Folio 13842F

[REDACTED]

[REDACTED]

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965
1	[REDACTED]
2	[REDACTED]
3	[REDACTED]

Land Registry

County Wicklow

Folio 13842F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</p> <p style="text-align: center;">Cancelled D2006KW011416E 27-JUN-2006</p>
2	<p>04 OCT 1943 123/10/43</p> <p>Charge for present and future advances to Edward Dickenson repayable on demand with interest at the current rate of the Royal Bank of Ireland Limited calculated with customary half yearly or quarterly rests or at the option of the owner of this charge at the rate of £6 per cent per annum. The Royal Bank of Ireland Limited is owner of this charge.</p> <p style="text-align: center;">Note: This charge is registered also on Folio 2366 and 13841F.</p> <p style="text-align: center;">Cancelled D2007KW005066C 22-FEB-2007</p>
3	<p>08 JAN 1947 357.1.47</p> <p>The charge at Entry No. 2 extends to advances up to £2,200 being the amount of the Revenue Duty impressed on Instrument 123.10.43.</p> <p style="text-align: center;">Cancelled D2007KW005066C 22-FEB-2007</p>
4	<p>30 JAN 2007 D2007KW002273U</p> <p>Charge for present and future advances repayable with interest. Ulster Bank Ireland Limited is owner of this charge.</p> <p style="text-align: center;">NOTE: This charge is also registered on Folio WW30683F. The ownership of this charge has been transferred see entry number 6</p> <p style="text-align: center;">Cancelled D2018LR010688D 02-FEB-2018</p>
5	<p>16-SEP-2008</p> <p>The right of way and such other easements as specified in</p>

Land Registry

County Wicklow

Folio 13842F

D2008KW017133X

Instrument no. D2008KW017133X in favour of Jack Roberts the registered owner of the property comprised in folios 8458 and 30683F Wicklow, his heirs and assigns as specified therein affecting the part of the property shown coloured yellow on Plan 274 of the Registry Map.

6

~~16 JAN 2017~~

~~PROMONTORIA (ARAN) Limited is owner of the charge registered at entry no4~~

~~D2017LR006563B~~

Cancelled

D2018LR010688D

02-FEB-2018

Land Registry

County Wicklow

Folio 30486F

Register of Ownership of Freehold Land

Part 1 (A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	<p>The property shown coloured Red as plan(s) BE9GP on the Registry Map, situate in the townland of BROOMHALL, in the barony of NEWCASTLE, in the Electoral Division of WICKLOW RURAL.</p> <p>The Registration does not extend to the mines and minerals</p>	From Folio WW2424F

Land Registry

County Wicklow

Folio 30486F

Part 1(B) - Property

Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

Land Registry

County Wicklow

Folio 30486F

Part 2 - Ownership

Title ABSOLUTE

No. The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965

1

[REDACTED]

[REDACTED]

D2018LR010688D

02-FEB-2018

2

[REDACTED]

Land Registry

County Wicklow

Folio 30486F

Part 3 - Burdens and Notices of Burdens

No.	Particulars		
1	20 FEB 2007 D2007KW004101E	Charge for present and future advances repayable with interest. Ulster Bank Ireland Limited is owner of this charge. The ownership of this charge has been transferred see entry number 3	<p style="text-align: right;">Cancelled D2018LR010688D 02-FEB-2018</p>
2	08-JUL-2015 D2015LR090158U	The Grant of Wayleave and such other easements as specified in Instrument Number D2015LR090158U in favour of WICKLOW COUNTY COUNCIL their heirs, assigns and others as specified therein affecting the part of the property shown coloured yellow on Plan BE9GP of the Registry Map.	
3	16 JAN 2017 D2017LR006563B	PROMONTORIA (ARAN) Limited is owner of the charge registered at entry no1	<p style="text-align: right;">Cancelled D2018LR010688D 02-FEB-2018</p>

Folio Number: WW13842F

Application Number: P2017LR055030T

Customer:
Mary Larkin
R&A, Coonahilly
0870 321713

730150 mE, 694670 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: WW13842F

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

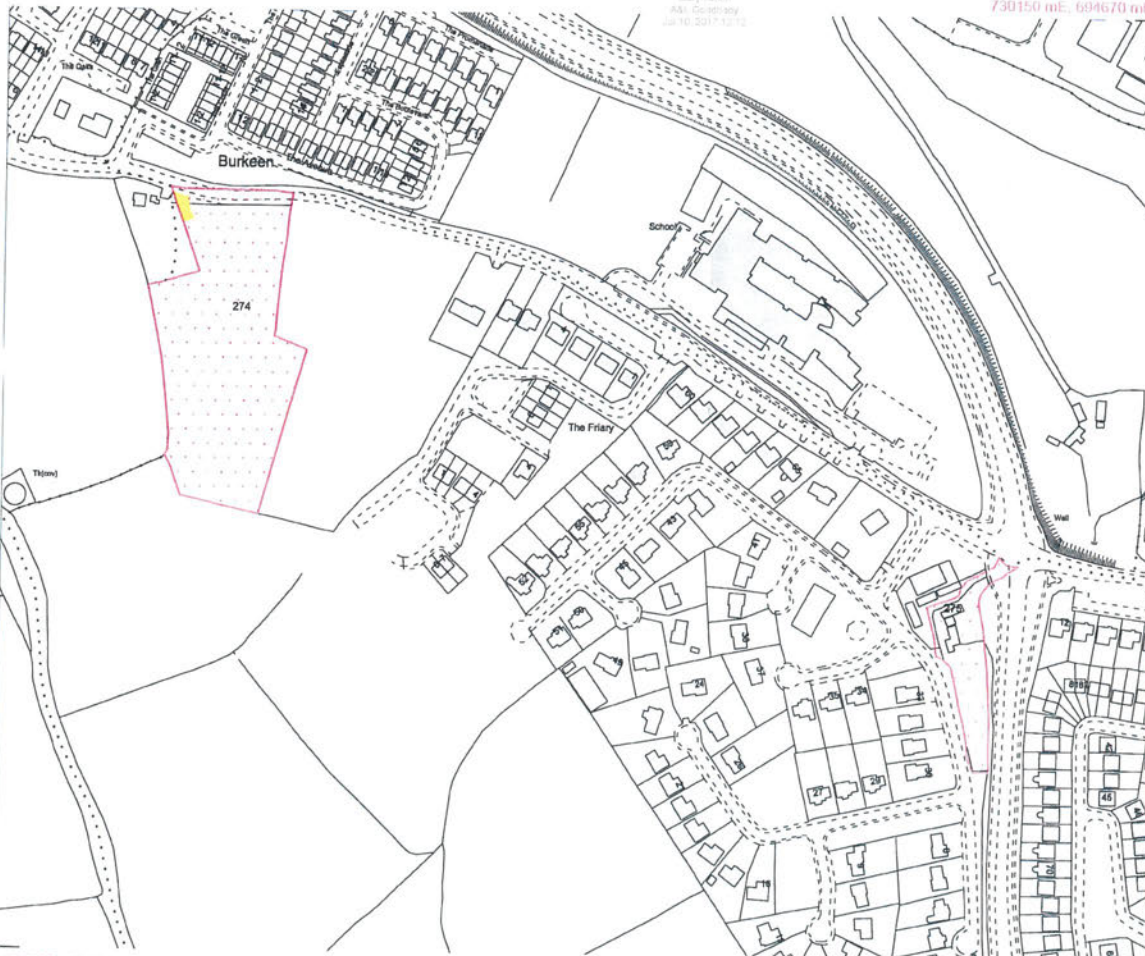
Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit



A full list of burdens and their symbology can be found at www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties and boundaries insofar as they are described in a register by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



729350 mE, 694020 mN
Date Printed: 05/07/2017

Creation Date: 05 July 2017 08:05:44

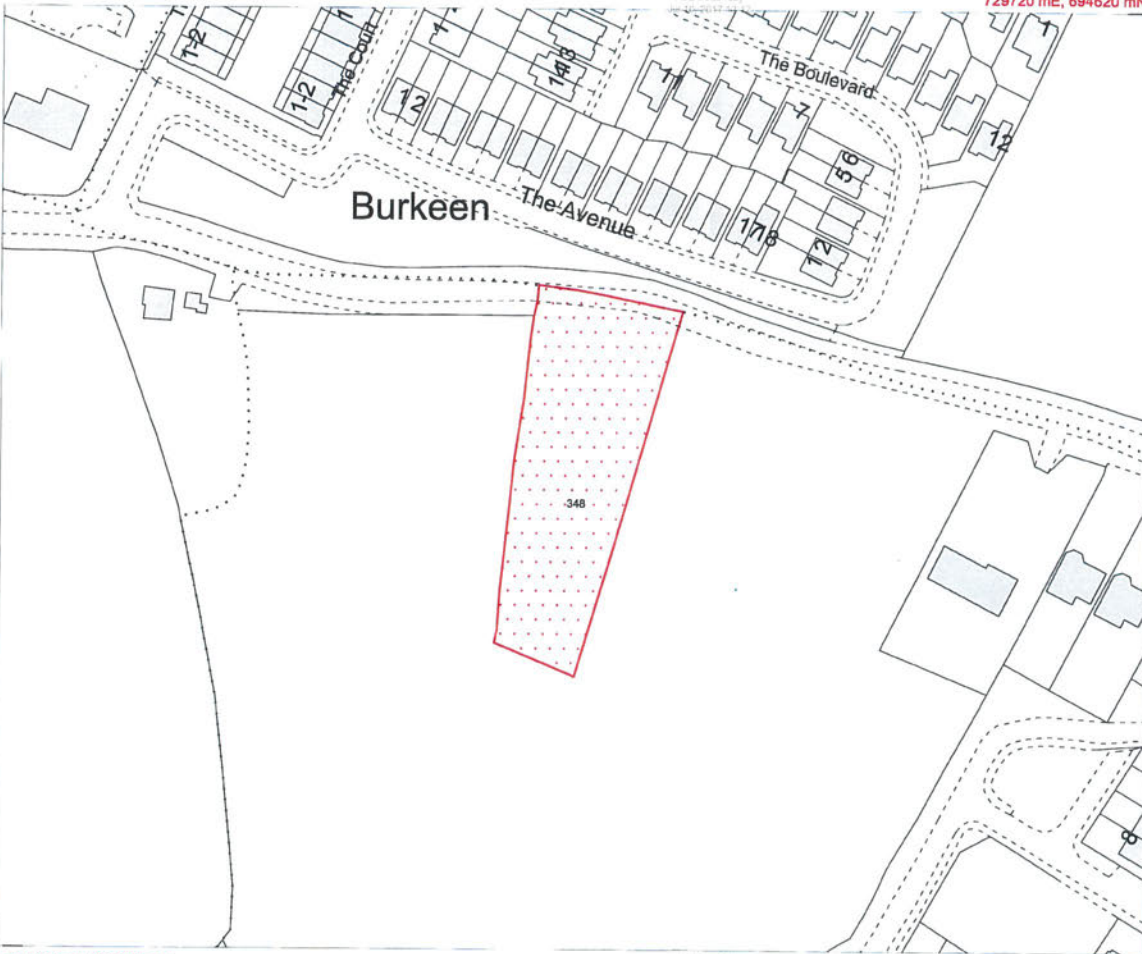
Application Number: P2017LR055030T

A&L Lompany
July 2017 05:00

1:2500 Scale
Page 7 of 7

Folio Number: WW18303F

Application Number: P2017LR055031U



1:1000 Scale
Map Scale
All Data
2017 07 05

729720 mE, 694620 mN

**The Property
Registration Authority**
An tÚdarás
Clárúcháin Maoine



Folio: WW18303F

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- (centre-line of parcel(s) edged)
- Freehold
 - Leasehold
 - SubLeasehold

- Burdens (may not all be represented on map)
- Right of Way / Wayleave
 - Turbary
 - Pipeline
 - Well
 - Pump
 - Septic Tank
 - ▽ Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

729400 mE, 694360 mN
Date Printed: 05/07/2017

Creation Date: 05 July 2017 08:05:54

Application Number: P2017LR055031U

1:1000 Scale
Page 6 of 6

Folio Number: WW30486F

Application Number: P2017LR055032V

729770 mE, 694780 mN

BURKEEN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maolne



Folio: WW30486F

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(centre-line of parcel(s) edged)

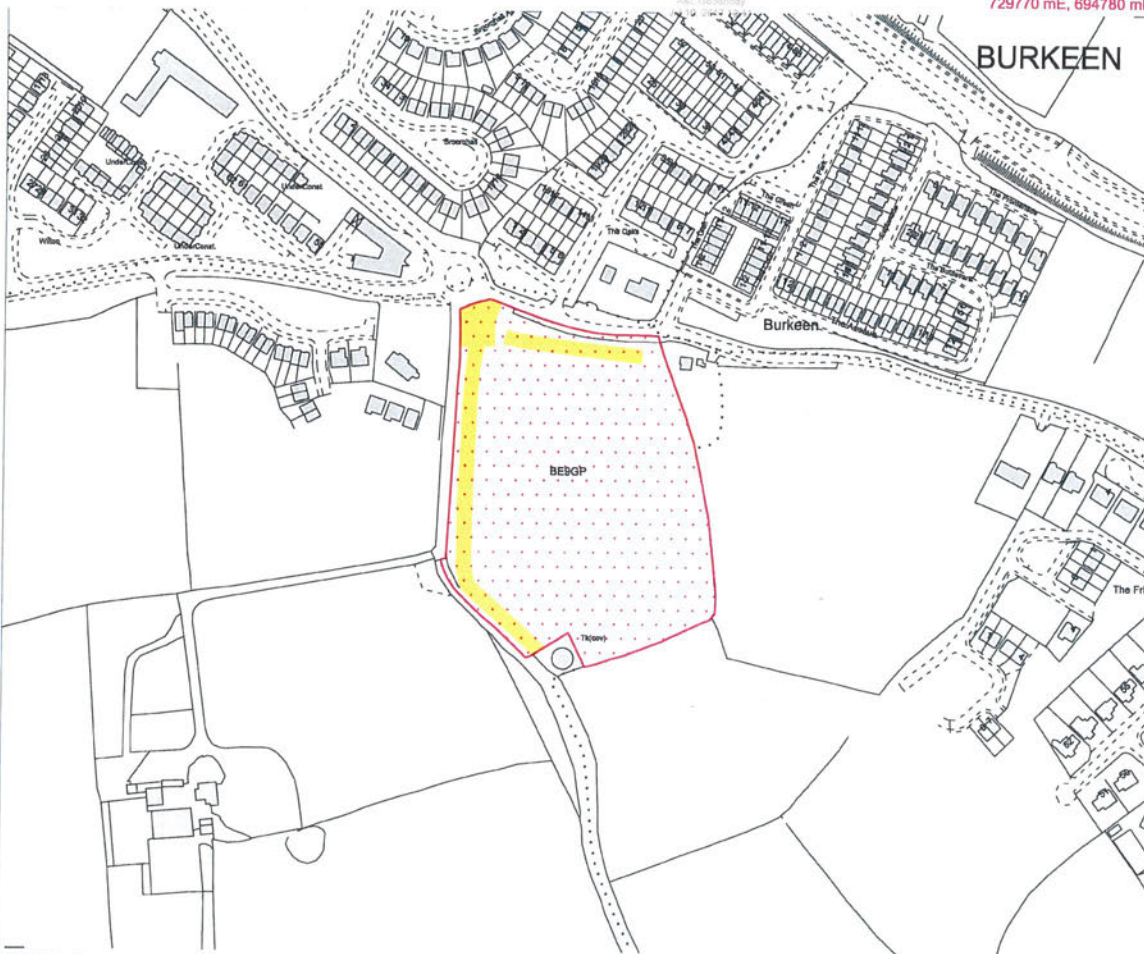
- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ◡ Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

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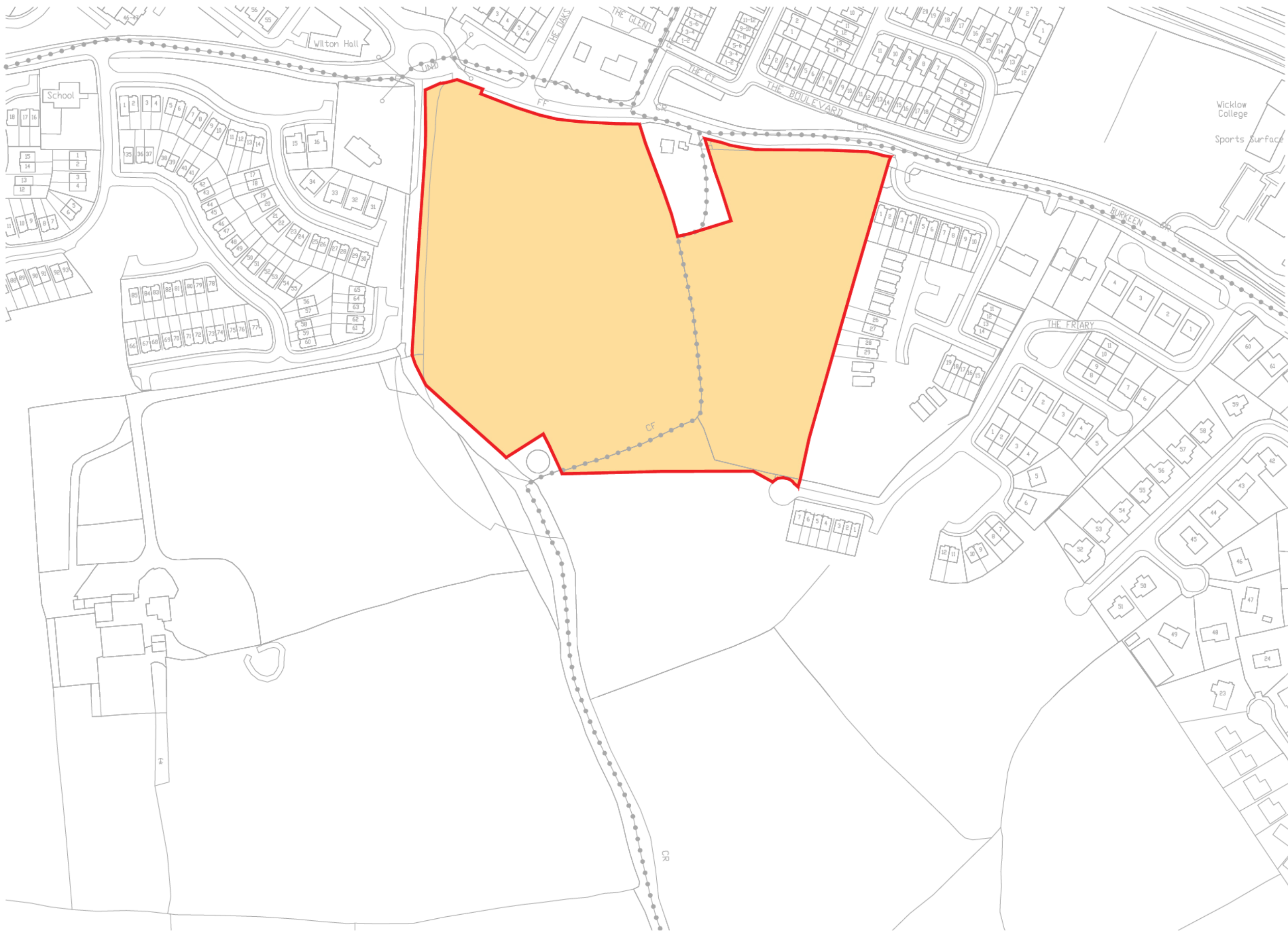


728970 mE, 694130 mN
Date Printed: 05/07/2017

Creation Date: 05 July 2017 08:06:18

Application Number: P2017LR055032V

1:2500 Scale Page 6 of 6



SITE LOCATION MAP


SCALE 1:2500 @ A3

**Denotes Land in Glenveagh
Ownership and Zoned Residential**

Parcel ID:
WW1828


MAP DETAILS

Description
 Digital Cartographic Model (DDM)
 Publisher / Source
 Ordnance Survey Ireland (OSI)
 Data Source / Reference
 PRIME2
 File Format
 Autodesk AutoCAD (DWG, R2013)
 File Name
 v_509601_Ldwg
 Clip Extent / Area of Interest (AOI)
 LLX,LLY= 789473,693763.0
 URX,URY= 789762,693763.0
 LLX,LLY= 729473,694993.0
 URX,URY= 789762,694993.0
 Projection / Spatial Reference
 Projection
 IRENET98_Dish_Transverse_Mercator
 Centre Point Coordinates
 X,Y= 729455,694178.0
 Reference Index
 Map Series / Map Sheets
 12.500 | 4820-A
 12.500 | 4820-C
 Data Extraction Date
 Date= 27-May-2021
 Source Data Release
 DCLMS Release V1.140.112
 Product Version
 Version= 1.3
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 or footpath is not evidence of the
 existence of a
 right of way.
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 features.



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 IRELAND GOVERNMENT OF
 IRELAND

No.	Revision/Issue	Date
A	ISSUE FOR COMMENTS	07.12.22

Firm Name and Address

 DG
 DESIGN GROUP
 800-000-0000
 100-000-0000

Project Name and Address
 LANDS AT
 KEATINGSTOWN
 CO WICKLOW

Drawing Title	Date
SITE LOCATION MAP	05.07.21
Drawing No.	Drawn
21054-PI001	AV
Scale	Sheet No.
1:2500 @ A3	1 OF 1