

**Submission on  
RESIDENTIAL ZONED LAND TAX  
– THE DRAFT MAPS**

**Lands at  
Tinakilly,  
Rathnew, Co. Wicklow**

**On behalf of**



**Parcel ID:**

North of Tinakilly Avenue –  
**WW1859 and WW1834**

South of Tinakilly Avenue –  
**WW1835 and WW1858**

December 2022



Planning & Development Consultants

63 York Road,

Dun Laoghaire

Co. Dublin

[www.brockmcclure.ie](http://www.brockmcclure.ie)

## 1 EXECUTIVE SUMMARY

This planning submission is made on behalf of [REDACTED] in relation to lands at Tinakilly, Rathnew, Co. Wicklow.

This submission responds to the publication of 'The Draft Maps' for Rathnew for Residential Zoned Land Tax (RZLT). In review of the maps published, our client has examined whether or not lands within their ownership fall into scope for liability and payment of RZLT.

We request that the content of this submission be considered in the preparation of any further mapping associated with RZLT in 2023.

By way of an executive summary, we ask that the following actions be taken:

### **This submission seeks:**

**The removal of the lands the subject of this submission under the ownership of our client [REDACTED] from the RZLT maps and specifically 'The Supplemental Maps' and 'The Final Maps' due to be published in 2023.**

The details of this site; the rationale for these requests; and the justification for the removal of any lands from the Residential Zoned Land Tax mapping is now set out within this report.

## 2 INTRODUCTION

We, Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin, have prepared this planning submission on behalf of [REDACTED] in relation to lands at Tinakilly, Rathnew, Co. Wicklow.

More specifically, this submission is prepared as a response to the publication by Wicklow County Council 'The Draft Maps' associated with the RZLT. This submission is lodged to ensure a number of matters in relation to our client's landholding at Tinakilly, Rathnew are considered by Wicklow County Council in preparation of any further mapping associated with RZLT in 2023.

We acknowledge that submissions are welcomed on 'The Draft Maps' up to and including **1 January 2023**. This submission is lodged within this deadline.

### 2.1 Submission Requirements

Wicklow County Council have clearly set out a list of requirements that must be included with any submission lodged during the public consultation period for the Draft Maps.

The various requirements of the Local Authority together with our client's response is set out below:

Wicklow County Council Requirement	Response by [REDACTED]
Parce ID NO.	North of Tinakilly Avenue - WW1859 and WW1834 South of Tinakilly Avenue - WW1835 and WW1858
Site Location	Tinakilly, Rathnew, Co. Wicklow.
Name, Address and Contact details of Landowner	[REDACTED] [REDACTED]
Name, Address and Contact details of Agent	Brock McClure Planning and Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin. <a href="mailto:hello@brockmcclure.ie">hello@brockmcclure.ie</a> 01 559 3859
OS Map (Identifying lands subject of this submission at a scale of 1:1000/1:2500)	Prepared by STW Architects Enclosed with this submission
RZLT Residential Site Area -	North of Tinakilly Avenue - c. 12.62ha South of Tinakilly Avenue - c. 9.46ha
Proof of Ownership	Enclosed with this submission Folio No. WW32356F, WW41173F and Part of Folio 26741F
Supporting Matters for Lands not considered to be in Scope	Set out within this Submission

or Date for Lands not considered to be in Scope	
Reference to Section 653b of the Taxes Consolidation Act and Supporting Evidence	Set out within this Submission
Justification for Exclusion of Lands	Set out within this Submission

**Table 1 Submission Requirements**

### 3 SITE AND ZONING CONTEXT

#### 3.1 Site Details

The subject site is on the northern periphery of Wicklow Town, with Wicklow town main street approximately 2 km to the south. The site is located adjacent to Rathnew, a small village, approximately 500 metres to the north west of the subject site and features a small main street.





Figure 1 Overall Site Boundary & Context

### 3.2 Site Zoning

The subject site expands across multiple zoned areas of the Wicklow County Development Plan. The site is located across lands with the following zoning objectives:

**R1** “New Residential: To provide for new residential development at densities up to 40 units per hectare.”

**R2** “New Residential: To provide for new residential development at densities up to 28 units per hectare.”

**Active Open Space** “To preserve, improve and provide for recreational public and private open space.”

**Passive Open Space** “To preserve, improve and provide for parks, recreational public and private open space, green corridors and ecological buffer zones.”

An Action Area Plan for Tinakilly was approved by the Council in September 2021. An element of this AAP is the provision of an inner relief road for the area which directly runs through our clients lands. The purpose of this road **‘is to facilitate access to new developments from the existing road network’**.

It is further stated in the AAP that:-

**“The delivery of the Rathnew inner relief road may be on a phased basis, but no more than 40% of the residential development will be permitted in advance of the full completion of the road.”**

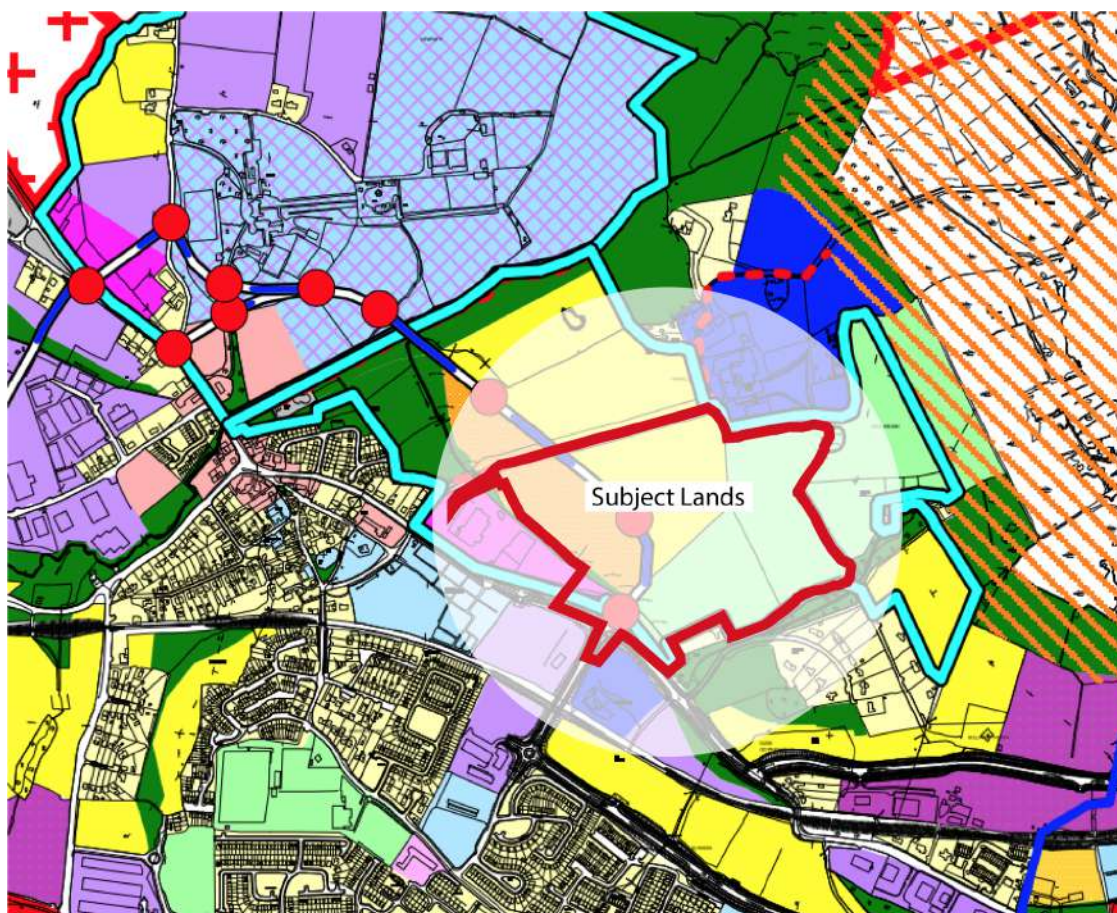
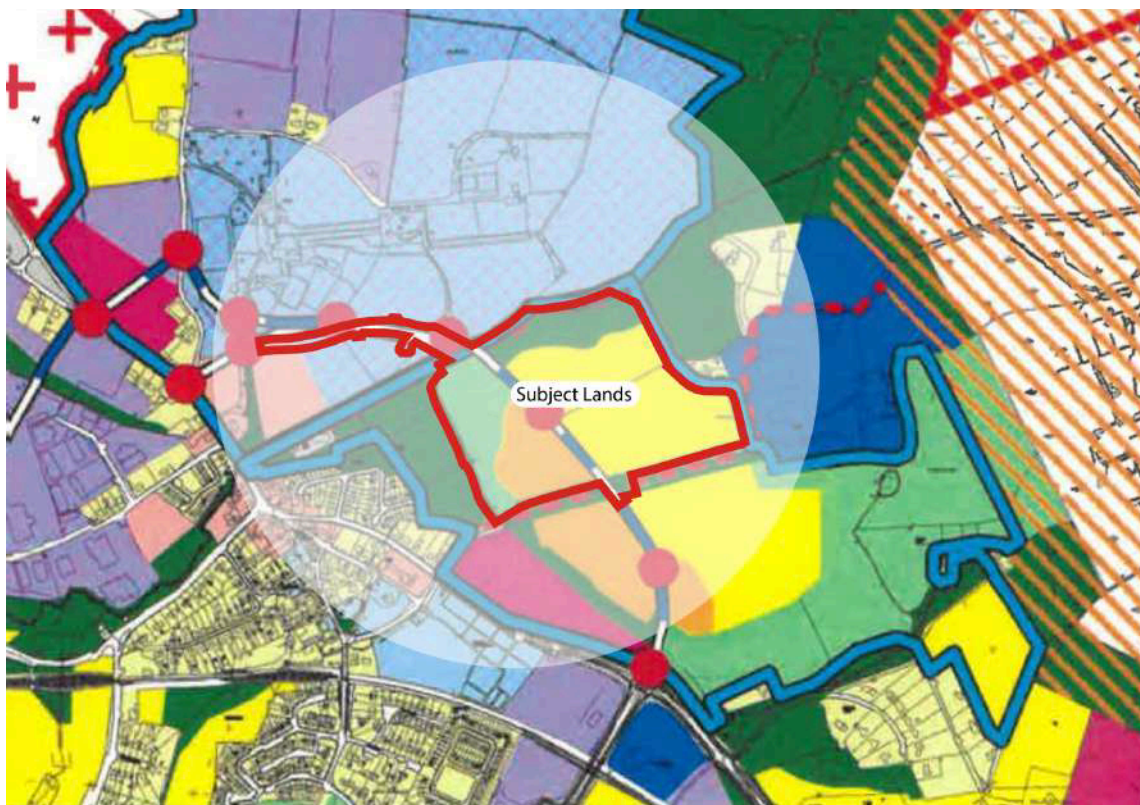


Figure 2 Zoning: Tinakilly Action Area Plan

### 3.3 The Draft Maps

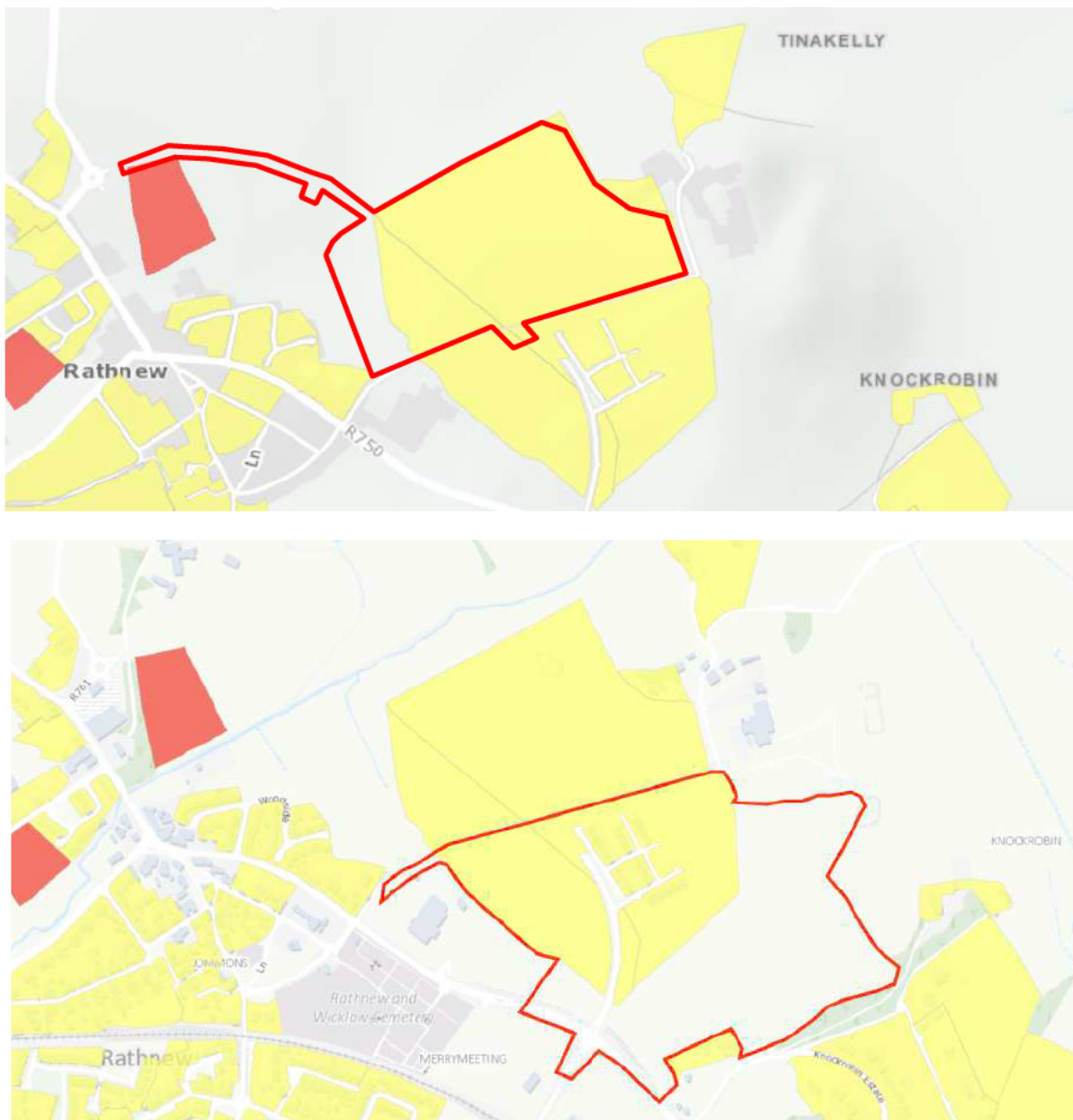


Figure 3 RZLT Draft Maps : Subject Lands outlined in red



## 4 PLANNING HISTORY

### Subject Site - North of Tinakilly Avenue

There is no planning history associated with the residential element of the subject site to the north of Tinakilly Avenue. It is noted that the section of the proposed distributor road extending to the northwest of the development site bounds previously granted permission WCC Reg Ref. 16/1444 as amended by WCC Reg Ref. 21/1333.

### Subject Site - South of Tinakilly Avenue

#### WCC Reg. Ref. 22/837

Permission was granted under Ref. 22/ 837 for a large-scale residential development on the subject lands for amendments to 17/219 to now comprise a development of 365 no. units. The site masterplan as per the planning application submitted is outlined below:-



Figure 4 Site Layout Ref. 22/837

#### WCC Reg. Ref. 21/411

Permission was granted for revisions to development permitted under WCC Reg Ref 17/219 ABP Ref 301261-18 to provide for layout reconfiguration and replacement of 62 no. previously permitted units. All associated site development works, services provision, reconfiguration of internal access roads and footpaths to facilitate house type changes, associated amendments to boundary treatments, landscaping and car parking areas.

#### WCC Reg. Ref. 20/1000

Permission was granted for house type revisions to 36 no. units permitted under parent permission WCC Reg. Ref. 17/219 / ABP Ref. 301261-18. All associated site development works, services provision, amendments to boundary treatments and car parking areas and adjustment of the northern hammerhead/access road resulting from house type changes. Landscaping revisions to the permitted area of open space and provision of an ESB substation unit.

**WCC Reg. Ref. 17/219 / ABP Ref. 301261-18**

Permission was granted for 271 residential units, the first phase of the new Rathnew Inner Relief Road and associated road upgrades, passive and active open space, creche and all associated site development works and services provision. The Board's split decision included the refusal of 84 residential units to the southeast of the site.

**WCC Reg. Ref. 19/1337**

Permission was sought for 85 no. residential units comprising 53 no. house units and 32 no. duplex apartment units (2-3 storeys in height overall) and all associated site development works to the southeast of the site. The application generally related to part of the overall site subject of the Board's split decision (refusal) under WCC Reg Ref. 17/219 / ABP Ref. 301261-18. The application was deemed withdrawn on 22 January 2021.

**It is noted that the development of a large-scale residential scheme has been permitted on the lands the subject of this submission. However, while few greenfield residential sites are 'plug and play' from a services perspective, it is submitted to the Planning Authority that this site at Tinakilly, Rathnew is not currently serviced in the context of the provisions of RZLT legislation and therefore falls out of 'scope' and should now not be included in the mapping associated with this residential development tax.**

## 5 RELEVANT PROVISIONS OF THE TAXES CONSOLIDATION ACT 1997 AS AMENDED

The Planning Authority has clearly set out that any submission on ‘the Draft Maps’ must address the requirements of Section 653b of the Taxes Consolidation Act 1997. Section 653c is also considered in this section for context purposes, given its relevance in terms of dates for lands falling in to scope.

The relevant provisions of these sections together with a considered response is now set out below.

### 5.1 Section 653B

Section 80 of the Finance Act 2021 amends 653B of the Taxes Consolidation Act 1997.

The following is excerpt is of relevance in the context of the current submission:

#### Lands in Scope

Section 653B of the Taxes Consolidation Act 1997 has been amended to read:

**“653B.** In this Part, a reference to land which satisfies the relevant criteria is a reference to land that—

(a) is included in a development plan, in accordance with section 10(2)(a) of the Act of 2000, or local area plan, in accordance with section 19(2)(a) of the Act of 2000, zoned—

- (i) solely or primarily for residential use, or
- (ii) for a mixture of uses, including residential use,

b) it is reasonable to consider **may have access, or be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply**, necessary for dwellings to be developed and with sufficient service capacity available for such development, and

(c) it is reasonable to consider is not affected, in terms of its physical condition, by matters to a sufficient extent to preclude the provision of dwellings, including contamination or the presence of known archaeological or historic remains,

but which is not land—

(i) that is referred to in paragraph (a)(i) and, having regard only to development (within the meaning of the Act of 2000) which is not unauthorised development (within the meaning of the Act of 2000), is in use as premises, in which a trade or profession is being carried on, that is liable to commercial rates, that it is reasonable to consider is being used to provides services to residents of adjacent residential areas,

(ii) that is referred to in paragraph (a)(ii), unless it is reasonable to consider that the land is vacant or idle,

(iii) that it is reasonable to consider is required for, or is integral to, occupation by—

(I) social, community or governmental infrastructure and facilities, including infrastructure and facilities used for the purposes of public administration or the provision of education or healthcare,

(II) transport facilities and infrastructure,

(III) energy infrastructure and facilities,

(IV) telecommunications infrastructure and facilities,

(V) water and wastewater infrastructure and facilities,

(VI) waste management and disposal infrastructure, or

(VII) recreational infrastructure, including sports facilities and playgrounds,

- (iv) that is subject to a statutory designation that may preclude development, or  
(v) on which the derelict sites levy is payable in accordance with the Derelict Sites Act 1990 .”

In summary, any lands considered to be in scope must (a) be zoned for residential development and (b) have access, or be connected, to public infrastructure and facilities. There are also a number of infrastructural and community service items cited which may lead to an exemption for the tax as set out by Section 653B(c)(iii).

## 5.2 Applicant Response to Section 653B

1. We can confirm that the lands subject of this submission are zoned for residential development by virtue of Zoning Objective ‘R1’ and ‘R2’ of the Tinakilly AAP that applies to the landholding and as highlighted under the zoning map contained within this submission.

**On this basis, the lands subject of this submission fulfil the requirements of 653B(a).**

2. It is noted that the development of a large-scale residential scheme has been permitted on the lands the subject of this submission. However, while few greenfield residential sites are ‘plug and play’ from a services perspective, it is submitted to the Planning Authority that this site at Tinakilly, Rathnew is not currently serviced in the context of the provisions of RZLT legislation and therefore falls out of ‘scope’ and should now not be included in the mapping associated with this residential development tax. Moreover, we understand a pumping station in Wicklow Town is due to be upgraded by Irish Water, potentially impacting foul services new developments until such time as the works are carried out and completed.

These lands do not currently have **‘have access, or be connected to public infrastructure and facilities’**. In this regard we refer the Planning Authority to the Planner’s Report for 22/837 pertaining to the subject lands:-

*“While it is considered that this current planning application is acceptable in terms of the phasing of the inner relief road, **planning permission for further housing developments within the Clermont-Tinakilly Action Area may be precluded until such time that the inner relief road is complete....”***

Therefore having due regard to the above, any future and further residential developments on these lands is predicated by the delivery of the inner relief road through the site. Development of these lands for new housing is hampered by required infrastructural works.

With regard to water services, we make reference to Irish Water Ref: CDS20007402. In their ‘Confirmation of Feasibility’ they state that while a wastewater connection is feasible to the subject lands, it is **‘subject to upgrades’** stating the following:-

*“The connection is feasible. Irish waster plan to carry out upgrades to the Bollarney pumping station and there is also an LNRP for the network downstream of Bollarney PS which will be sized to designed to accommodate the additional load from this development. Some local network upgrades and extensions may be required depending on the connection point, these will be determined at connection stage. This may be subject to change”.*

This documentation from Irish Water is further evidence that the subject lands are not serviced infrastructurally to accommodate residential development specifically on the date of scope 1 January 2022.

In this regard, it is the view of our client that their lands should not have been included on ‘The Draft Maps’ published, nor should they appear on any ‘supplemental maps’ or ‘final maps’ prepared by the Planning Authority until such time as the required infrastructural upgrades to the road network have been carried out.

**On this basis the lands subject of this submission do not fulfil the requirements of 653B(b).**

### 5.3 Section 653C

#### Date in Scope

Furthermore, Section 653C (1) of the Taxes Consolidation Act 1997 has been amended to now set out the following:

*A local authority shall prepare, in respect of its functional area, a map in draft form (in this Part referred to as a 'draft map')—*

*(a) indicating land that, based on the information available to it, it considers to be land satisfying the relevant criteria one month prior to the date specified in subsection (2), and*

*(b) specifying—*

*(i) the date on which, based on the information available to it, it considers that land referred to in paragraph (a) first satisfied the relevant criteria, where that date is after 1 January 2022, and*

*(ii) the total area, in hectares, of land referred to in paragraph (a).*

In summary, lands considered in scope on the **1 January 2022** are considered liable for the tax.

### 5.4 Applicant Response to Section 653C

Section 5.2 above has set out the key considerations by way of response to Section 653B.

We confirm that those arguments outlined above apply with lands not falling into scope by the date of 1 January 2022 or after.

## 6 JUSTIFICATION FOR THE EXCLUSION OF LANDS

Following the publication of ‘the Draft Maps’ associated with the RZLT, our client has examined:

- (a) the mapping as it relates to lands at Tinakilly, Rathnew; and
- (b) the requirements for lands considered to be in scope for RZLT.

Following consideration of these items and our response to Sections 653B and 653C of the Taxes Consolidation Act 1997, this submission is now seeking the following:

**The removal of the lands within the ownership of our client [REDACTED] from the RZLT maps and specifically ‘The Supplemental Maps’ and ‘The Final Maps’ due to be published in 2023.**

### Justification

In review of this submission, we ask the Planning Authority to exclude the subject lands within our client’s ownership from the ‘Supplemental Maps’ and ‘The Final Maps’ published for the following reasons:-

#### **1. No Access to Services**

As set out in this submission, our client’s lands are not considered to fall into scope given that:-

- (a) they do not have access to or cannot be connected to services and infrastructure until such time as the infrastructural upgrades as specified under Wicklow Co. Co. Reg Ref 22/837 are carried out. These relate specifically to the construction of an inner relief road outlined in the AAP for Tinakilly;
- (b) the lands are not connect to Irish Water’s wastewater connection system, and cannot be until a number of upgrades are carried out to the local pumping station, and specific network upgrades and connections also executed by Irish Water; and
- (c) these lands the subject of this submission did not have access to or could not be connected to services and infrastructure on the relevant date (on or after 1 January 2022).

In this context, it would be more appropriate for the subject lands to be removed from the initial draft maps prepared and subsequent mapping planned for 2023 (‘the supplemental maps’ and ‘the final maps’ planned for 2023) and reviewed by the Planning Authority as an when the required inner relief road has been commenced/delivered. Specifically, these lands should only be considered to fall into scope at a time when they have access to / are connect to services. In this regard, they would then be ready for residential development, and therefore then liable to the residential zoned land tax, as it is envisaged.

#### **2. General Client Comment on the Subject Lands**

The purpose and objective of RZLT legislation is to activate land which is serviced and appropriately zoned in order to increase housing supply. The very inclusion of these lands at Tinakilly by Wicklow County Council on the draft maps prepared implies that these lands are serviced and for all intent and purposes are activated to increase housing supply. However this is not the case in reality, as significant works need to be carried out in order to ready these lands for development of any nature.

It is on this basis that we request the subject lands within our client’s ownership be removed from mapping associated with RZLT.

#### **3. Concluding Comment**

It is in consideration of all of the above, that we consider the inclusion of the subject lands within our client’s ownership within ‘The Draft Maps’ to be inappropriate and we call for the removal of the lands from any ‘Supplemental’ or ‘Final Maps’ prepared until such time as these lands have been serviced appropriately. We acknowledge that there will be an annual review of lands that potentially fall into scope for liability of the tax and we trust that the Planning Authority will only consider our clients landholding

for inclusion in the RZLT maps when the appropriate level of infrastructure and service provision becomes available.

## 7 CONCLUSION

This submission is now seeking the following:

The removal of the zoned lands within the ownership of our client [REDACTED] the RZLT maps and specifically 'The Supplemental Maps' and 'The Final Maps' due to be published in 2023. The lands subject to this request are outlined below:

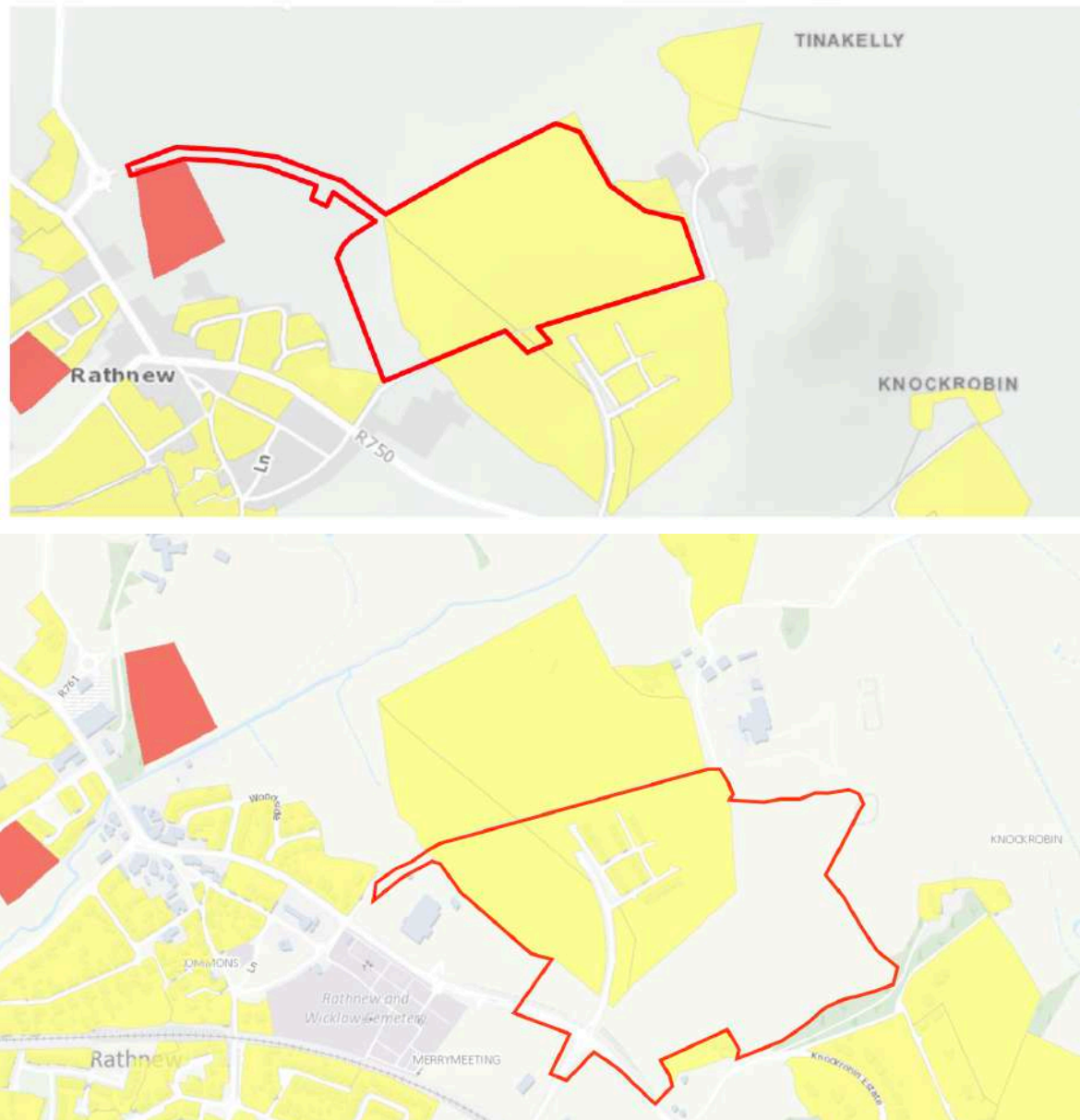
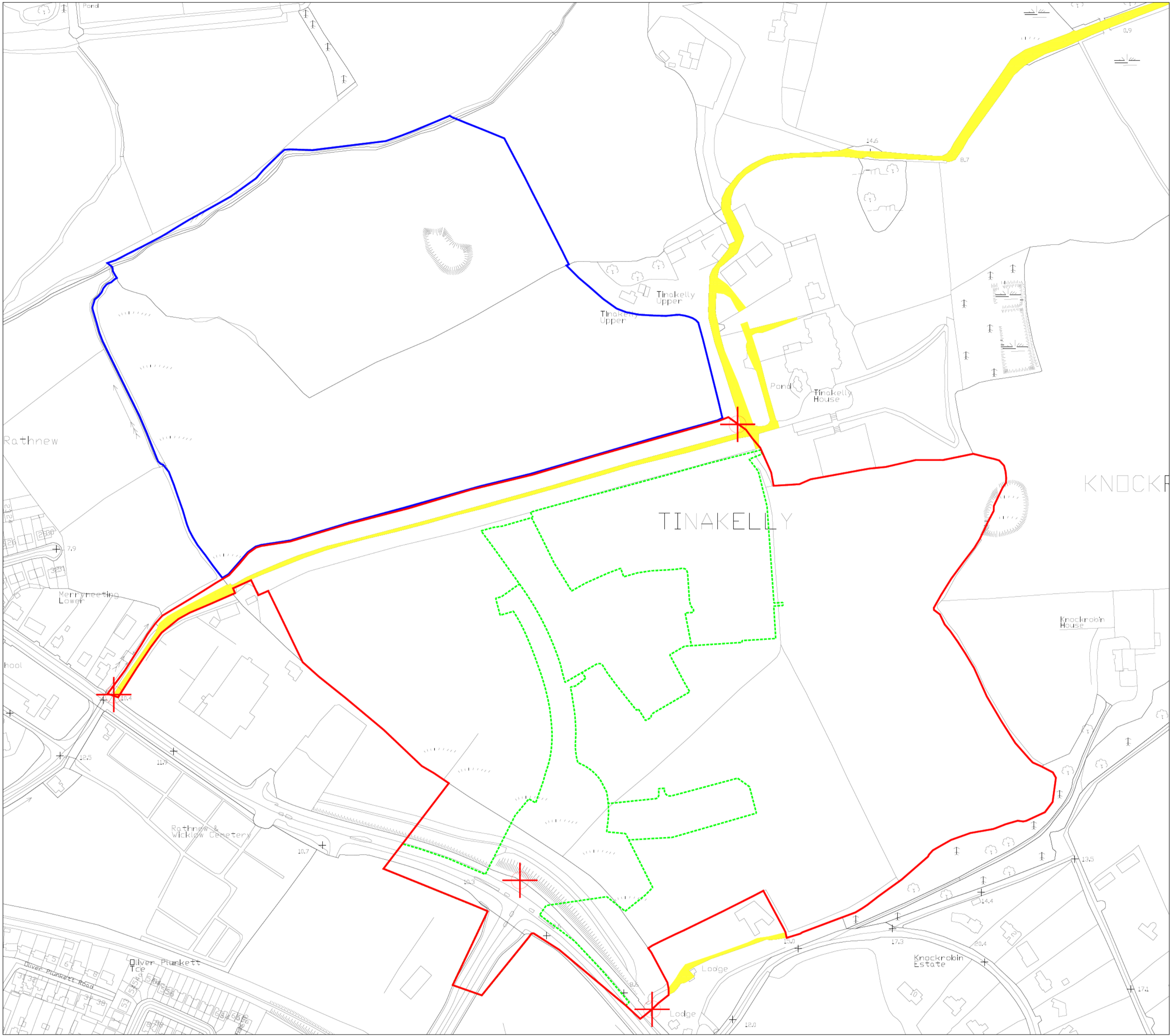


Figure 5 Lands Requested for Removal from the Maps

We trust that the content of this submission will be considered in due course.





**Map Series:**  
 =====

1:2500

3963-C  
 REVISION DATE = 14-Jan-2013  
 SURVEY DATE = 01-Aug-1998

4020-A  
 REVISION DATE = 27-Mar-2015  
 SURVEY DATE = 01-Jul-1998

4020-B  
 REVISION DATE = 27-Mar-2015  
 SURVEY DATE = 30-Jun-1998

3963-D  
 REVISION DATE = 14-Jan-2013  
 SURVEY DATE = 31-Aug-2004

**Clip Extent:**  
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 LRX,LRX = 730084,695029  
 ULX,ULY = 728414,696336  
 URX,URY = 730084,696336

**Projection:**  
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ITM

**ITM Centre Point Co-ordinate:**  
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X,Y = 729539, 695452

**Extraction Date:**  
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14-Mar-2016

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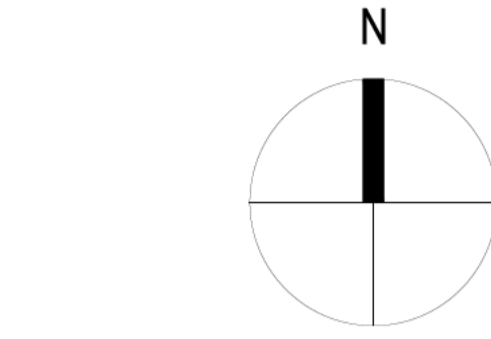
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Modified By: Padhraic Moneley Plot Time: 6/3/2022 9:44:19 AM

**NOTES:**



- CURRENT APPLICANT SITE
- OTHER LANDS WITHIN OWNERSHIP OF APPLICANT
- WAYLEAVES
- - - - - PREVIOUSLY PERMITTED APPLICATIONS  
 REFS. 17/219 (ABP Ref. 301261-18),  
 20/1000 & 21/411
- + SITE NOTICE LOCATIONS

Revision Schedule		
No.	Date	Description
PL.1	06.05.2022	Planning Issue

**Scott Tallon Walker Architects**  
 19 Merrion Square, Dublin 2, Ireland  
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 Fax: +353 (0)1 661 3300  
 Email: mail@stwalder.com  
 Web: www.stwalder.com

CLIENT  
 [Redacted]

PROJECT  
**TINAKILLY PARK**

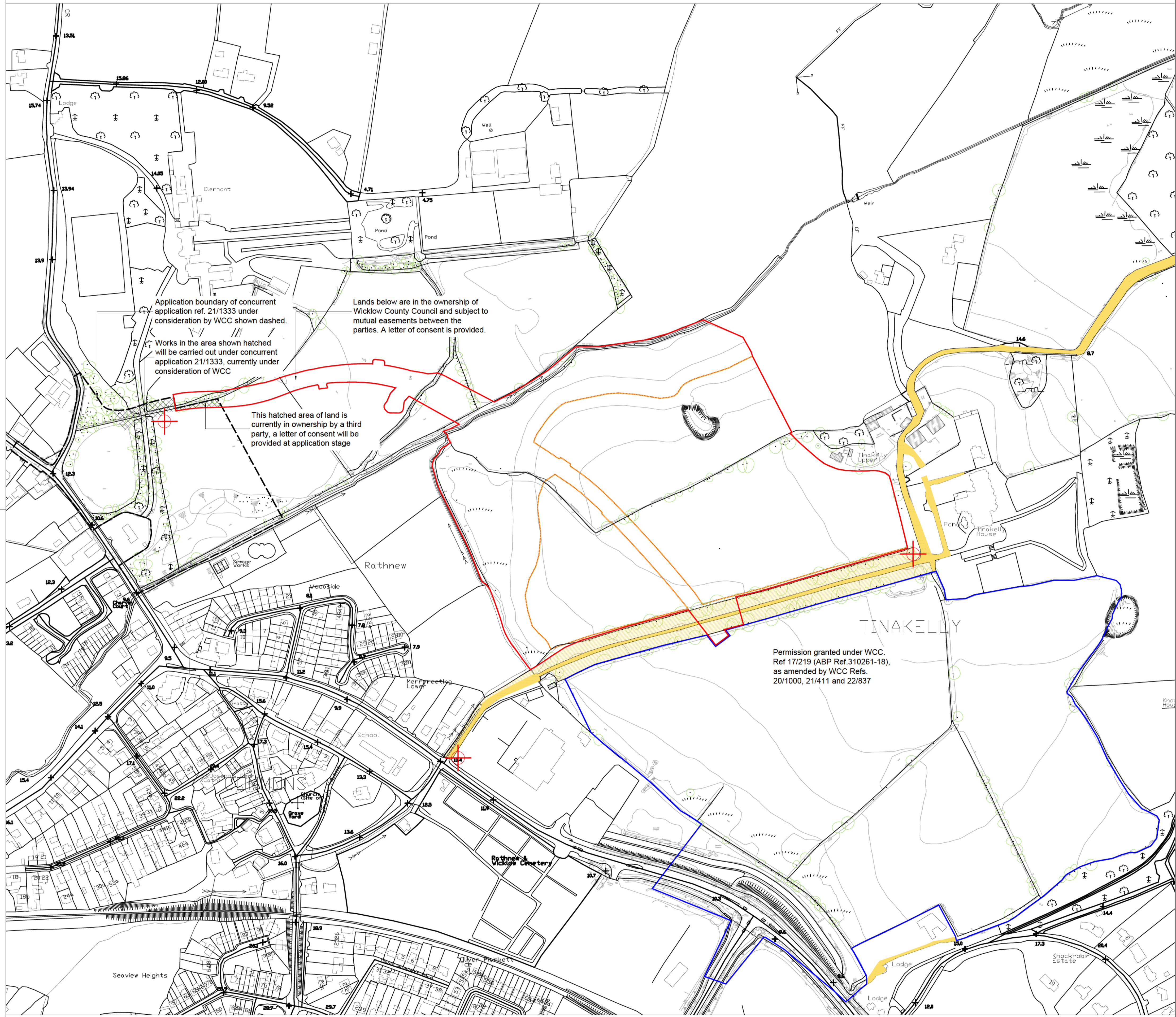
DRAWING  
**SITE LOCATION MAP**

**FILE REFERENCE**  
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 (DWGS+PDFS)\SHEETS\SITE\19136-STW-SIT-ZZ-DR-A-0011.dwg

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1:2500	7/21/2020 10:33:34 AM
DRAWN BY:	CHECKED BY:
PM	SJH

PROJECT NO:	PROJECT STATUS:	PROJECT ARCHITECT:
19136	PLANNING	SJH

DRAWING NO. 19136-STW-SIT-ZZ-DR-A-0011 PL.1



Application boundary of concurrent application ref. 21/1333 under consideration by WCC shown dashed.

Works in the area shown hatched will be carried out under concurrent application 21/1333, currently under consideration of WCC

This hatched area of land is currently in ownership by a third party, a letter of consent will be provided at application stage

Lands below are in the ownership of Wicklow County Council and subject to mutual easements between the parties. A letter of consent is provided.

Permission granted under WCC. Ref 17/219 (ABP Ref.310261-18), as amended by WCC Refs. 20/1000, 21/411 and 22/837

Map Series:  
1:2500

3963-C  
REVISION DATE = 14-Jan-2013  
SURVEY DATE = 01-Aug-1998

4020-A  
REVISION DATE = 27-Mar-2015  
SURVEY DATE = 01-Jul-1998

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URX,URY = 730084,696336

Projection:  
ITM

ITM Centre Point Co-ordinate:  
X,Y = 729249,695682

Extraction Date:  
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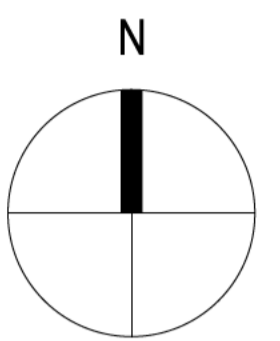
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Modified By: Anika Pawelczyk Plot Time: 11/17/2022 4:44:30 PM

NOTES:



- CURRENT APPLICANT SITE
- OTHER LANDS WITHIN OWNERSHIP OF APPLICANT
- WAYLEAVES
- Application benefits from a Deed of Grant of Easement
- + SITE NOTICE LOCATIONS
- OUTLINE OF NET RESIDENTIAL AREAS

Revision Schedule		
No.	Date	Description
PL 1	06.10.2022	Planning Issue info

CAD PROGRESS  
DRAFT  
P1 No. 3  
Date: 14.11.2022 Drawn By:

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19 Merrion Square, Dublin 2, Ireland  
Tel: +353 (0)1 669 3000  
Fax: +353 (0)1 661 3300  
Email: mail@stwalkers.com  
Web: www.stwalkers.com

CLIENT  
**ARDALE PROPERTY GROUP**

PROJECT  
**TINAKILLY TWO**

DRAWING  
**SITE LOCATION MAP**

FILE REFERENCE  
R:\211110\_Tinakilly Phase II02 STW CAD (DWGS+PDFS)\PLA21110-STW-SIT-ZZ-DR-A-0001.dwg

SCALE @A1  
1:2500  
MODIFIED TIME:  
6/18/2012 10:55:13

DRAWN BY: AP  
CHECKED BY: JH

PROJECT NO: 21110  
PROJECT STATUS:  
PROJECT ARCHITECT: JH

DRAWING NO: 21110-STW-SIT-ZZ-DR-A-0001  
REVISION: PL.1

**FORM 21**

*Transfer of part of property by a registered owner (Rules 52 and 67)*

**LAND REGISTRY**

**County Wicklow**

**Folios WW41173F and 26741F (part)**

Transfer dated the *27* day of *May* 20 *21*

[REDACTED]

[REDACTED] are:

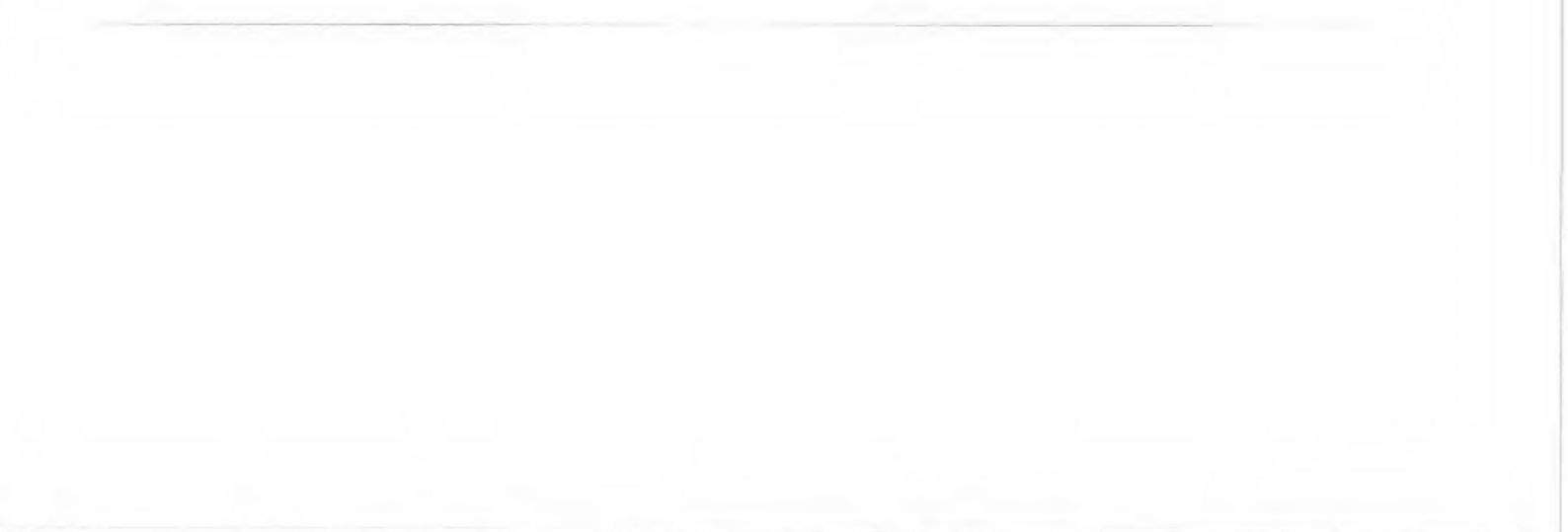
[REDACTED]

### **SCHEDULE 1**

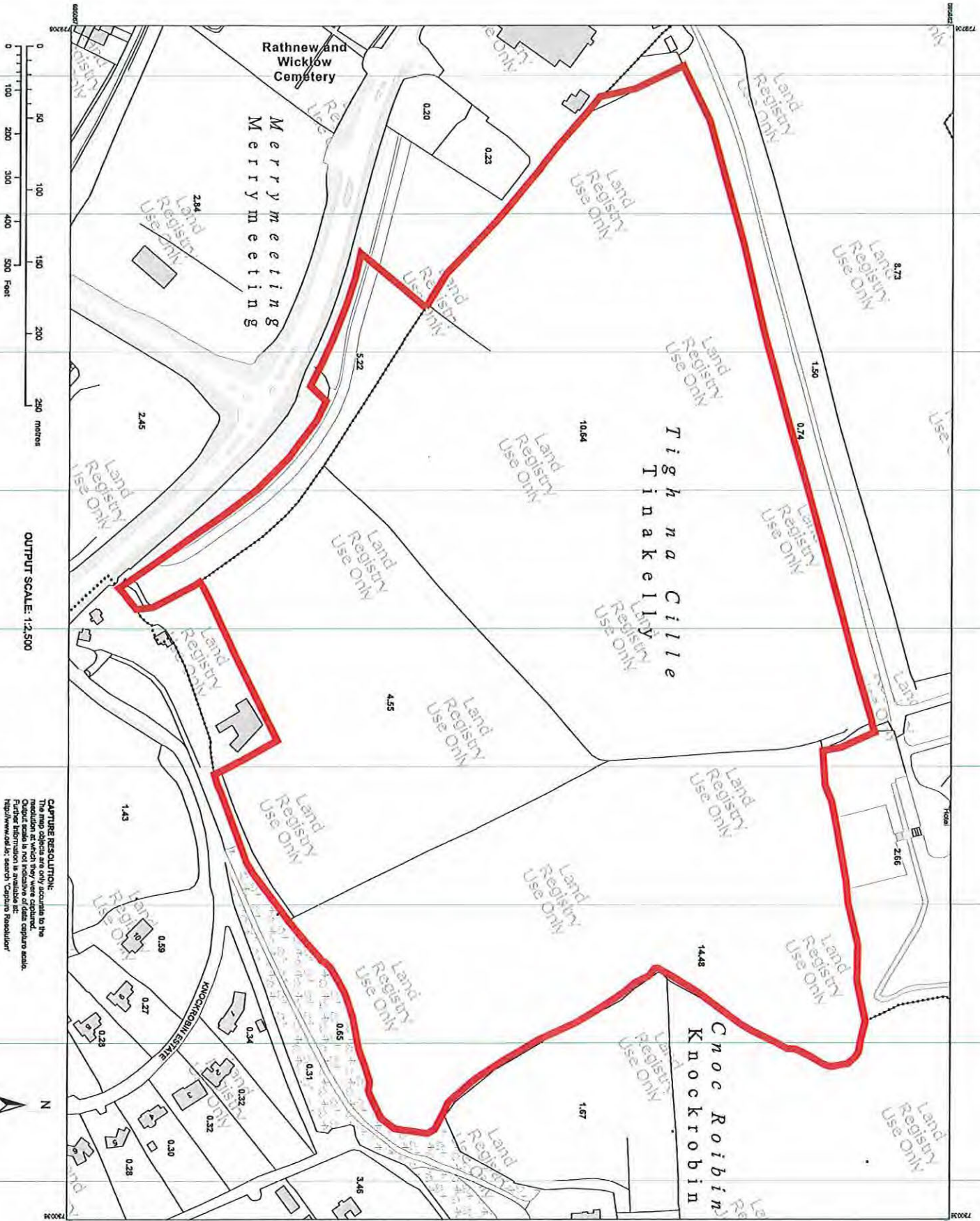
**ALL THAT AND THOSE** that the lands, hereditaments and premises comprised in folio WW41173F and part of folio 26741F of the Register of Freeholders County Wicklow which said property is more particularly shown on the map attached to this Deed and thereon lined in red.



U



# Land Registry Compliant Map



OUTPUT SCALE: 1:2,500

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Higher resolution data is available from the 'Capture Resolution' layer.



**CENTRE COORDINATES:**  
ITM 729621.689375

**PUBLISHED:** 06/05/2021  
**ORDER NO.:** 50190543\_1

**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 4020-A, 4020-B



<b>PROJECT:</b>	Site 1, Cill na Cille, Rathnew, Co. Wick, Ireland
<b>CLIENT:</b>	Mr. & Mrs. P. & M. O'Sullivan
<b>DATE:</b>	10/11/2021
<b>DRAWING TITLE:</b>	LAND REGISTRY COMPLIANT MAP

**COMPILED AND PUBLISHED BY:**  
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[www.osi.ie](http://www.osi.ie)

**LEGEND:**  
<http://www.osi.ie>  
Search 'Large Scale Legend'



		<b>[REDACTED]</b>		
<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>
<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>
<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>
<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>
<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>
<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>
<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>	<b>[REDACTED]</b>

**[REDACTED]**

## CONFIRMATION OF FEASIBILITY

Owen Sullivan  
19-22 Dame Street  
Dublin 2  
Co. Dublin  
D02E278

18 October 2022

**Uisce Éireann**  
Bosca OP448  
Oifig Sheachadta na  
Cathrach Theas  
Cathair Chorcaí

**Irish Water**  
PO Box 448,  
South City  
Delivery Office  
Cork City.

[www.water.ie](http://www.water.ie)

**Our Ref: CDS20007402 Pre-Connection Enquiry  
Tinakilly, Wicklow, Co. Wicklow**

Dear Applicant/Agent,

### **We have completed the review of the Pre-Connection Enquiry.**

Irish Water has reviewed the pre-connection enquiry in relation to a Water & Wastewater connection for a Multi/Mixed Use Development of 350 unit(s) at Tinakilly, Wicklow, Co. Wicklow, (the **Development**).

Based upon the details provided we can advise the following regarding connecting to the networks;

- **Water Connection** - Feasible without infrastructure upgrade by Irish Water
- **Wastewater Connection** - Feasible Subject to upgrades  
The connection is feasible. Irish water plan to carry out upgrades to the Bollarney pumping station and there is also an LNRP for the network downstream of Bollarney PS which will be sized to designed to accommodate the additional load from this development. Some local network upgrades and extensions may be required depending on the connection point, these will be determined at connection stage. This may be subject to change.

This letter does not constitute an offer, in whole or in part, to provide a connection to any Irish Water infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Irish Water.



As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted. The connection application is available at [www.water.ie/connections/get-connected/](http://www.water.ie/connections/get-connected/)

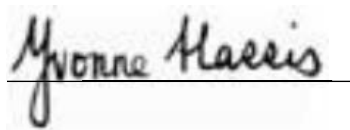
### Where can you find more information?

- **Section A** - What is important to know?
- **Section B** - Details of Irish Water's Network(s)

**This letter is issued to provide information about the current feasibility of the proposed connection(s) to Irish Water's network(s). This is not a connection offer and capacity in Irish Water's network(s) may only be secured by entering into a connection agreement with Irish Water.**

For any further information, visit [www.water.ie/connections](http://www.water.ie/connections), email [newconnections@water.ie](mailto:newconnections@water.ie) or contact 1800 278 278.

Yours sincerely,

A handwritten signature in black ink that reads "Yvonne Harris". The signature is written in a cursive style and is positioned above a thin horizontal line.

**Yvonne Harris**  
**Head of Customer Operations**

## Section A - What is important to know?

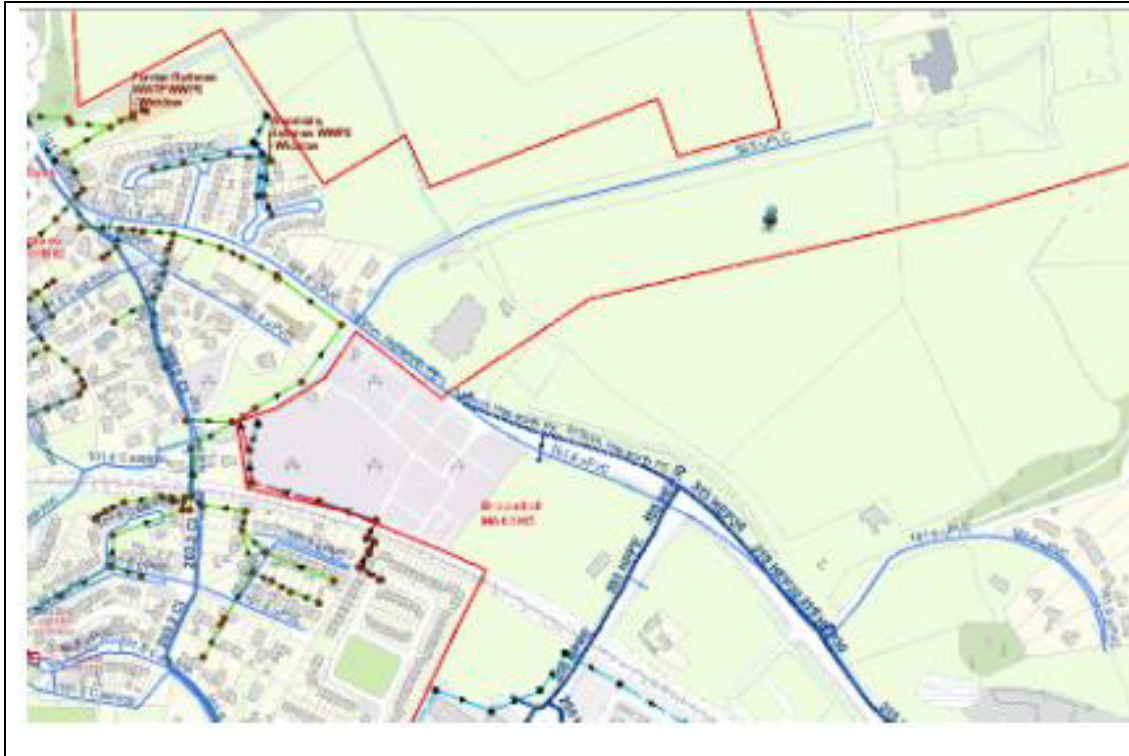
What is important to know?	Why is this important?
<p><b>Do you need a contract to connect?</b></p>	<ul style="list-style-type: none"> <li>• Yes, a contract is required to connect. This letter does not constitute a contract or an offer in whole or in part to provide a connection to Irish Water's network(s).</li> <li>• Before the Development can connect to Irish Water's network(s), you must submit a connection application <u>and be granted and sign</u> a connection agreement with Irish Water.</li> </ul>
<p><b>When should I submit a Connection Application?</b></p>	<ul style="list-style-type: none"> <li>• A connection application should only be submitted after planning permission has been granted.</li> </ul>
<p><b>Where can I find information on connection charges?</b></p>	<ul style="list-style-type: none"> <li>• Irish Water connection charges can be found at: <a href="https://www.water.ie/connections/information/charges/">https://www.water.ie/connections/information/charges/</a></li> </ul>
<p><b>Who will carry out the connection work?</b></p>	<ul style="list-style-type: none"> <li>• All works to Irish Water's network(s), including works in the public space, must be carried out by Irish Water*.</li> </ul> <p>*Where a Developer has been granted specific permission and has been issued a connection offer for Self-Lay in the Public Road/Area, they may complete the relevant connection works</p>
<p><b>Fire flow Requirements</b></p>	<ul style="list-style-type: none"> <li>• The Confirmation of Feasibility does not extend to fire flow requirements for the Development. Fire flow requirements are a matter for the Developer to determine.</li> <li>• <b>What to do?</b> - Contact the relevant Local Fire Authority</li> </ul>
<p><b>Plan for disposal of storm water</b></p>	<ul style="list-style-type: none"> <li>• The Confirmation of Feasibility does not extend to the management or disposal of storm water or ground waters.</li> <li>• <b>What to do?</b> - Contact the relevant Local Authority to discuss the management or disposal of proposed storm water or ground water discharges.</li> </ul>
<p><b>Where do I find details of Irish Water's network(s)?</b></p>	<ul style="list-style-type: none"> <li>• Requests for maps showing Irish Water's network(s) can be submitted to: <a href="mailto:datarequests@water.ie">datarequests@water.ie</a></li> </ul>

<p><b>What are the design requirements for the connection(s)?</b></p>	<ul style="list-style-type: none"> <li>The design and construction of the Water &amp; Wastewater pipes and related infrastructure to be installed in this Development shall comply with <b><i>the Irish Water Connections and Developer Services Standard Details and Codes of Practice</i></b>, available at <a href="http://www.water.ie/connections">www.water.ie/connections</a></li> </ul>
<p><b>Trade Effluent Licensing</b></p>	<ul style="list-style-type: none"> <li>Any person discharging trade effluent** to a sewer, must have a Trade Effluent Licence issued pursuant to section 16 of the Local Government (Water Pollution) Act, 1977 (as amended).</li> <li>More information and an application form for a Trade Effluent License can be found at the following link: <a href="https://www.water.ie/business/trade-effluent/about/">https://www.water.ie/business/trade-effluent/about/</a></li> </ul> <p>**trade effluent is defined in the Local Government (Water Pollution) Act, 1977 (as amended)</p>

## Section B – Details of Irish Water’s Network(s)

The map included below outlines the current Irish Water infrastructure adjacent the Development: To access Irish Water Maps email

[datarequests@water.ie](mailto:datarequests@water.ie)



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**Note:** The information provided on the included maps as to the position of Irish Water’s underground network(s) is provided as a general guide only. The information is based on the best available information provided by each Local Authority in Ireland to Irish Water.

Whilst every care has been taken in respect of the information on Irish Water’s network(s), Irish Water assumes no responsibility for and gives no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided, nor does it accept any liability whatsoever arising from or out of any errors or omissions. This information should not be solely relied upon in the event of excavations or any other works being carried out in the vicinity of Irish Water’s underground network(s). The onus is on the parties carrying out excavations or any other works to ensure the exact location of Irish Water’s underground network(s) is identified prior to excavations or any other works being carried out. Service connection pipes are not generally shown but their presence should be anticipated.

**PROPERTY REGISTRATION AUTHORITY**

**COUNTY WICKLOW**

**FOLIOS WW2866F, WW32356F  
and WW26741F**

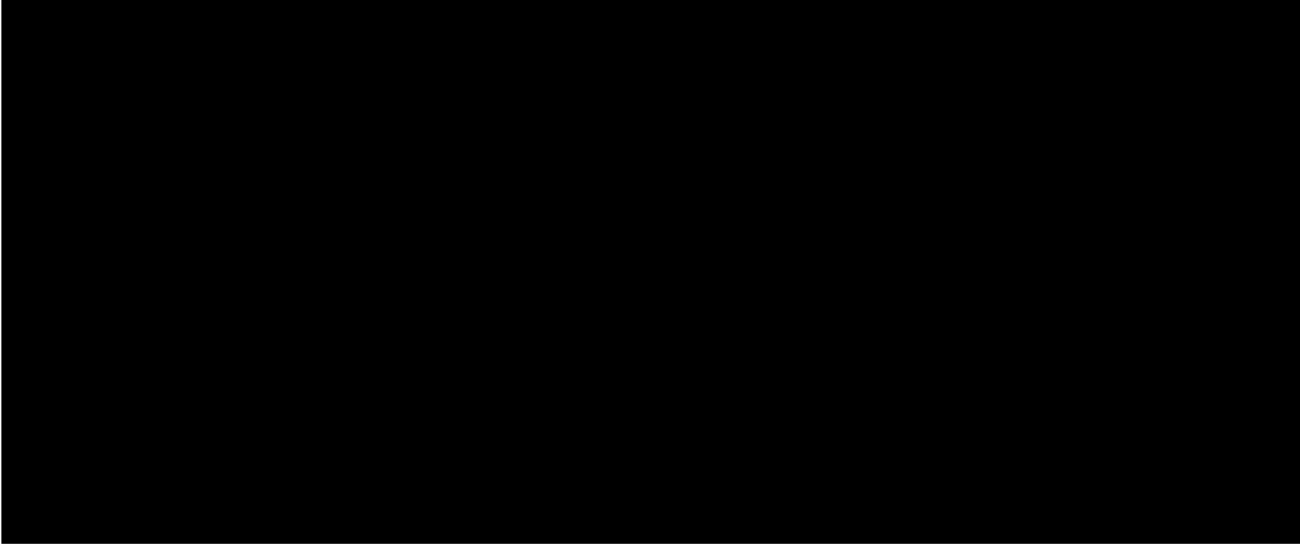
**TRANSFER**

**Eversheds**  
Solicitors  
One Earlsfort Centre  
Earlsfort Terrace  
Dublin 2

**PROPERTY REGISTRATION AUTHORITY**

**COUNTY WICKLOW**

**FOLIOS WW2866F, WW32356F  
and WW26741F**



**WHEREAS:-**

- A.** The Transferor is the registered owner of Folios WW2866F, WW32356F and WW26741F of the Register of Freeholders County Wicklow (together the "**Property**") with absolute title free from encumbrances.
- B.** By Mortgage Debenture dated 16 January 2004 and made between (1) the Transferor and (2) First Active Plc ("**First Active**"), the Transferor mortgaged and charged its interest in the Folios 2866F and 26741F of the Register of Freeholders County Wicklow and by Mortgage dated 9 June 2006 and made between (1) the Transferor and (2) First Active, the Transferor mortgaged and charged its interest in Folio WW32356F of the Register of Freeholders County Wicklow (together the "**Mortgages**"), each to First Active as security for the payment of all monies intended to be thereby secured and covenanted to pay to First Active on demand all monies which then were or should for the time being be or become due or owing by them to First Active (the "**Mortgage Debt**").
- C.** The Mortgages conferred various powers including the power of sale of the Property and provided that First Active might at any time after the money secured should become due appoint in writing a receiver to the Property.
- D.** The Mortgage Debt became due to First Active prior to the date of the deed next recited. A demand for payment of the Mortgage Debt was duly and validly made by First Active in the manner provided in the Mortgages and the sum demanded is still due and owing.

- E.** By Deed of Appointment (the "**Appointment**") dated 1 December 2011, in pursuance of the powers contained in the Mortgages, First Active appointed the Receiver to be receivers and joint managers of and over the Property to the intent that the Receiver might exercise all powers conferred on a receiver by the Mortgages;
- F.** By Mortgage Sale Agreement dated 16 December 2014 between (1) Ulster Bank Ireland Limited (in who all interest of First Active plc in the Charge had vested by virtue of the scheme approved by the Central Bank Act 1971 (Approval of Scheme of First Active plc and Ulster Bank Ireland Limited) Order 2009) and (2) Promontoria (Aran) Limited ("**Promontoria**"), Promontoria acquired the Mortgage Debt from First Active;
- G.** By Deed of Novation dated 12 March 2015 the Appointments were novated to Promontoria;
- H.** The Transferor (acting by the Receiver) has now agreed with the Transferee for the sale of the Property to the Transferee in fee simple in possession free from encumbrances for the sum of €5,200,000.00 and for the purpose of effecting the sale the Receiver has agreed to join in this Deed in the manner hereinafter appearing.

**NOW THIS TRANSFER WITNESSES** as follows:-

1. In pursuance of the said agreement and in consideration of the sum of five million, two hundred thousand Euro (€5,200,000.00) now paid by the Transferee with the consent of the Transferor to the Receiver (the receipt whereof the Receiver hereby acknowledges and the said manner of payment the Transferor acknowledges) the Transferor as beneficial owner as registered owner by the direction of the Receiver **HEREBY TRANSFERS** the Property to the Transferee in fee simple free from encumbrances;
2. The Receiver hereby covenants with the Transferee that they have not done or knowingly suffered or been party or privy to any act or thing whereby the Transferor is prevented from transferring the Property in the manner agreed; and
3. The Transferee hereby expressly acknowledges that the Receiver is executing this Deed in the Receiver's capacity as receiver of the Property only and for the sole purpose of facilitating the acquisition of the Property by the Transferee and the Transferee further expressly acknowledges that any personal liability of the Receiver and/or other partner of the Receiver's firm arising out of under or in connection with the terms and provisions of this Deed is hereby excluded and the Receiver and/or any

other partner of the Receiver's firm shall not be under any liability to the Transferee affecting the assets of the Receiver or any other partner of the Receiver's firm personally and their agents or their estate.

The address of the Transferee in the State for service of Notices and its description are:- 18F Main Street, Dundrum, Dublin 14; limited company

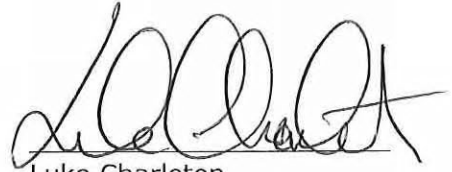
**IT IS HEREBY CERTIFIED** for the purposes of Section 238 of the Companies Act 2014 that the Transferor and the Transferee are not bodies corporate connected with one another in a manner which would require this Deed to be ratified by resolution of any of them.

**IN WITNESS WHEREOF** the parties have executed this Deed in the manner following the day and the year first herein written.



**SIGNED AND DELIVERED**

as a Deed by the **RECEIVER**  
for and on behalf of  
the **TRANSFEROR**  
and as its lawfully appointed attorney  
in the presence of:



Luke Charleton



Niall Coveney



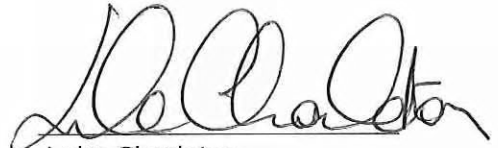
(Witness signature)

C/O E4, Maccourt Centre, D2  
(Witness address)

Accountant  
(Witness occupation)

**SIGNED AND DELIVERED**

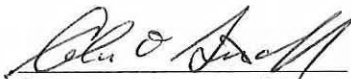
by the **RECEIVER**  
in the presence of: -



Luke Charleton



Niall Coveney



(Witness signature)

C/O E4, Maccourt Centre, D2  
(Witness address)

Accountant  
(Witness occupation)

[Redacted]

\_\_\_\_\_  
(Director)

\_\_\_\_\_  
(Director/Secretary)