



RZLT, C/O Administrative Officer
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:

KINDLESTOWN HOUSE, DELGANY, CO. WICKLOW

1.0 INTRODUCTION

1.1 Purpose of this Submission

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

On 1st November 2022, Wicklow County Council published the requisite *Residential Zoned Land Tax Draft Maps* that identify lands within its functional area that are considered to be 'suitably zoned and connected to, or has access to services³ and thus 'In Scope' for tax purposes.

The *Residential Zoned Land Tax Draft Maps* prepared by Wicklow County Council include lands at Kindlestown House, Delgany, Co. Wicklow which are in the ownership of [REDACTED] [REDACTED]. An extract from the relevant *Residential Zoned Land Tax Draft Map*, annotated to highlight the extent of the lands subject to this Submission is included overleaf (Figure 1.1):

[REDACTED]
[REDACTED]

³ As set out in Section 3.1 of the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)*.

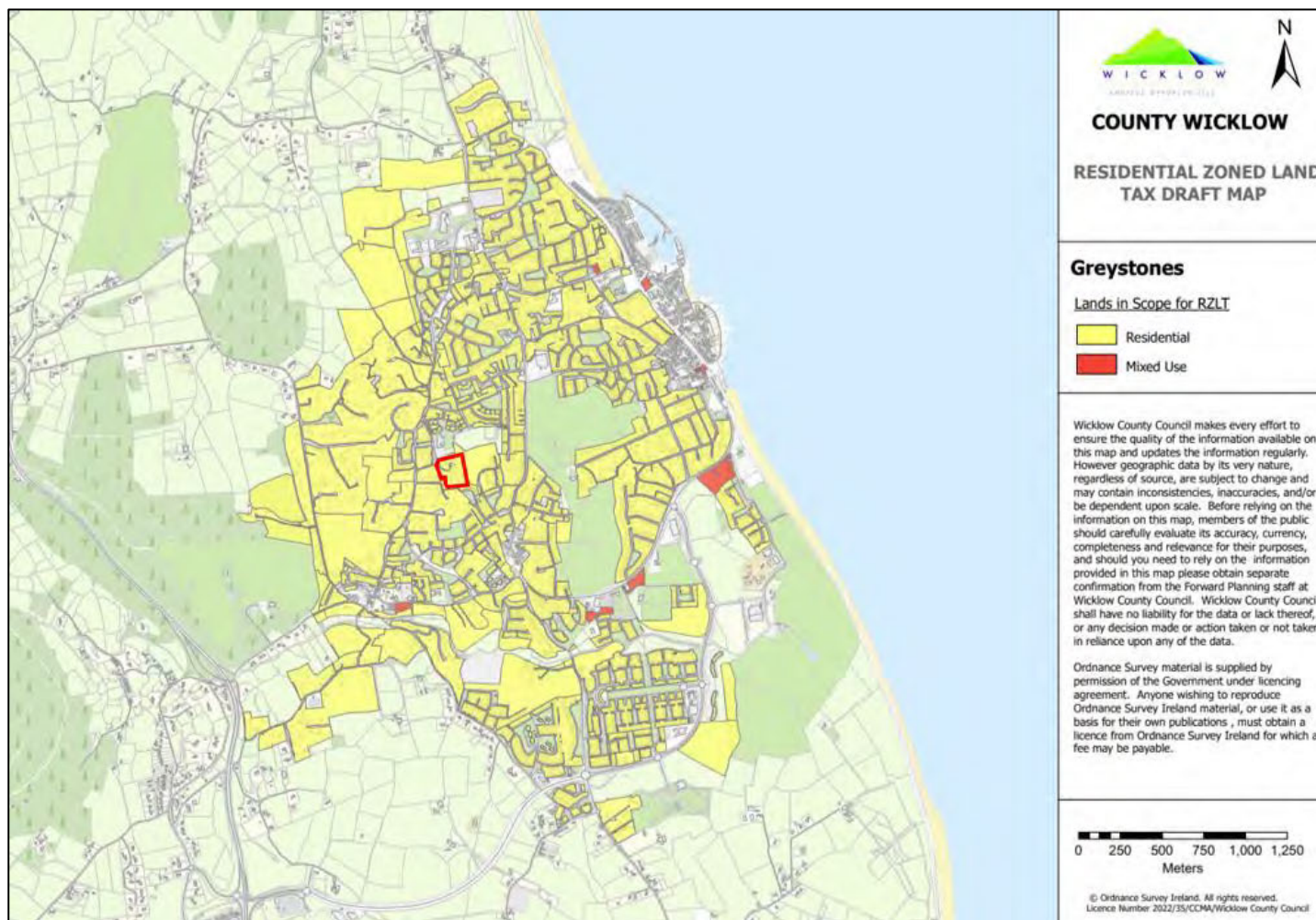


Figure 1.1: Extract from Wicklow County Council's *Greystones Residential Zoned Land Tax Draft Map* with the Indicative Boundary of the Lands Subject to this Submission Outlined in Red

(Source: Wicklow County Council's *Greystones 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 Kindlestown House, Delgany, Co. Wicklow, which are subject to this Submission, do not meet the qualifying criteria set out in Section 653B of the *Finance Act 2021* for inclusion on the 'Draft Map'.

As detailed herein, the Residential Development of the lands subject to this Submission, which are notably subject to Statutory Designations in the form of a Protected Structure and a Tree Protection Objective, is also dependent upon the delivery of Road Infrastructure, Footpaths and Services on adjoining lands in the ownership of a Third Party.

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 Kindlestown House 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 lands subject to this Submission, which comprise Kindlestown House (a Protected Structure), are positioned to the north of Cherry Glade and to the south of St. Laurence’s National School in Delgany, Co. Wicklow. As shown in Figure 2.1 below, the lands subject to this Submission, which are located approximately 1 kilometre (as the crow flies) to the south-west of Greystones Town, are generally bound to the north by St. Laurence’s National School, to the south by Cherry Glade (part of Delgany Wood Residential Development), to the east by Churchlands Residential Development, and to the west by The Poplars Residential Development.



Figure 2.1: Aerial Image Showing the Lands Subject to this Submission (Indicatively Outlined in Red) and Surrounding Context

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

2.2 Site Context

The immediate environs of the lands subject to this Submission are principally characterised by Residential Development, with, *inter alia*, Educational and Recreational Facilities also located within its vicinity. The area, as illustrated in Figure 2.1 above, additionally comprises undeveloped lands, such as the lands to the west of the lands subject to this Submission, the character of which is subject to change in the future, with the lands identified in the *Greystones-Delgany and Kilcoole Local Area Plan 2013-2019* for Residential Development (Figure 2.2).

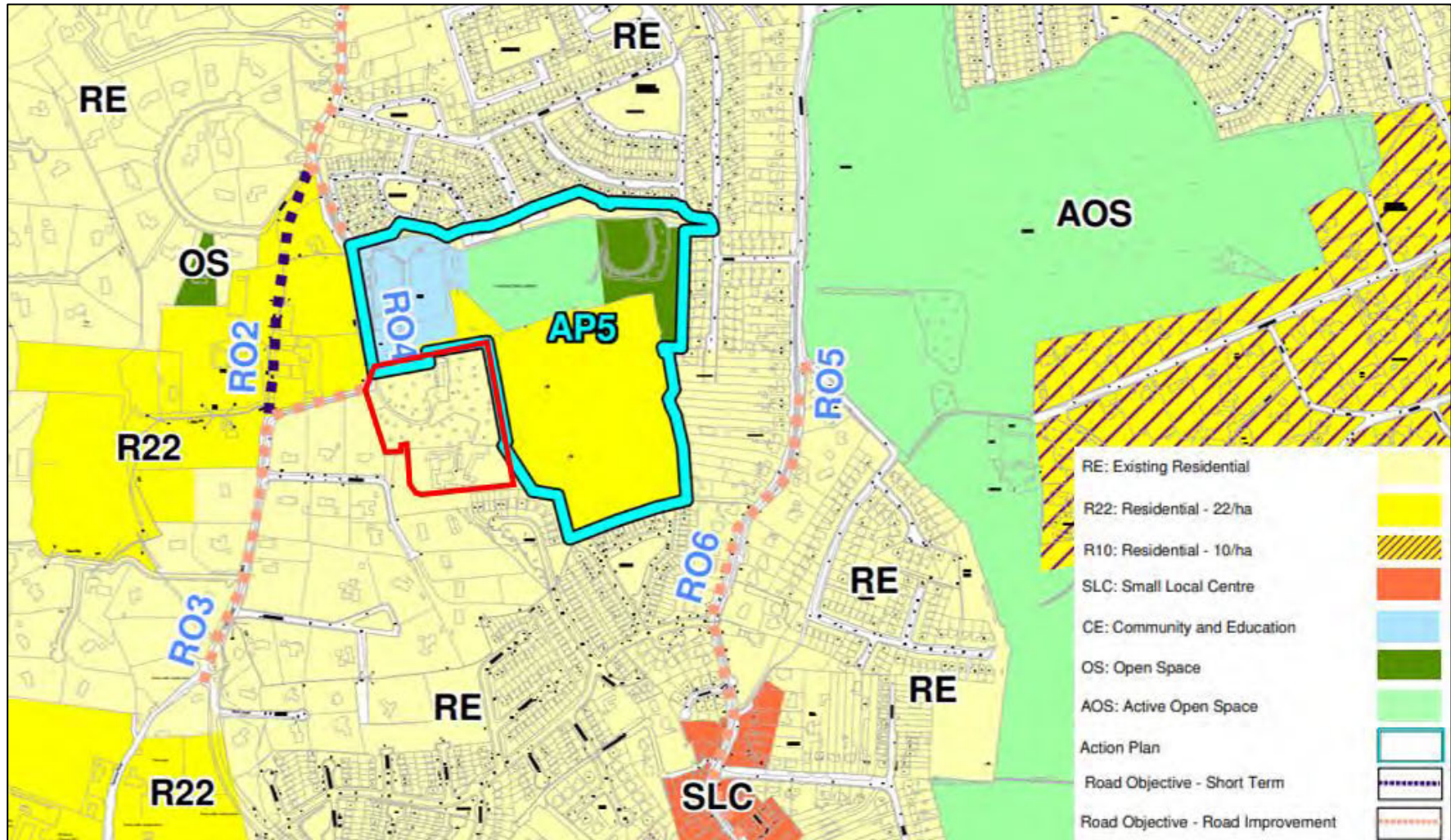


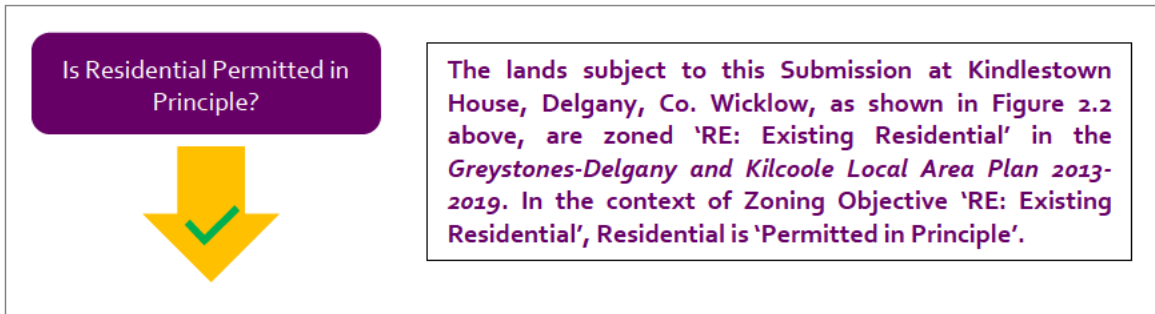
Figure 2.2: Land Use Zoning Map with the Lands Subject to this Submission Indicatively Outlined in Red

(Source: Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 – Land Use Zoning Map, Annotated By Thornton O’Connor Town Planning, 2022)

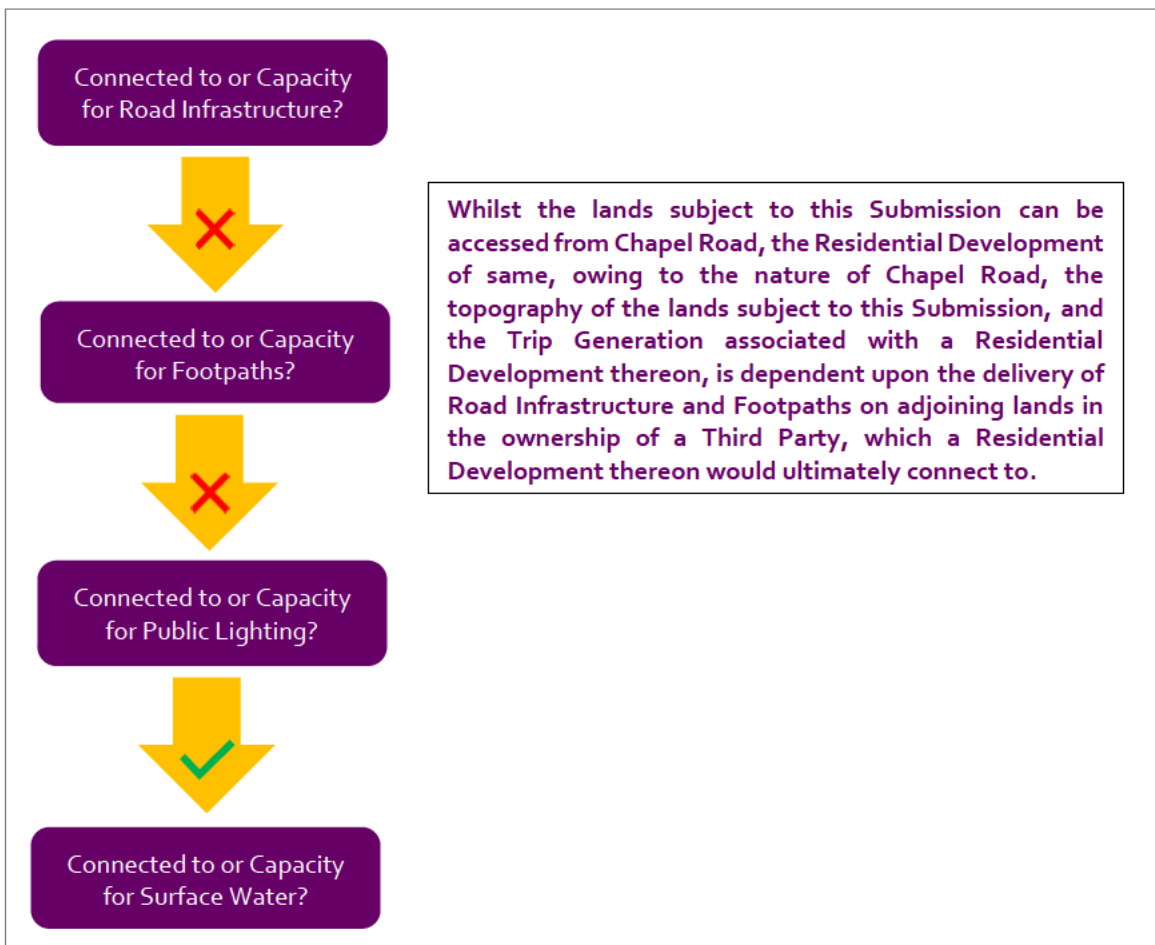
3.0 RESIDENTIAL ZONED LAND TAX – SCOPING IN/OUT

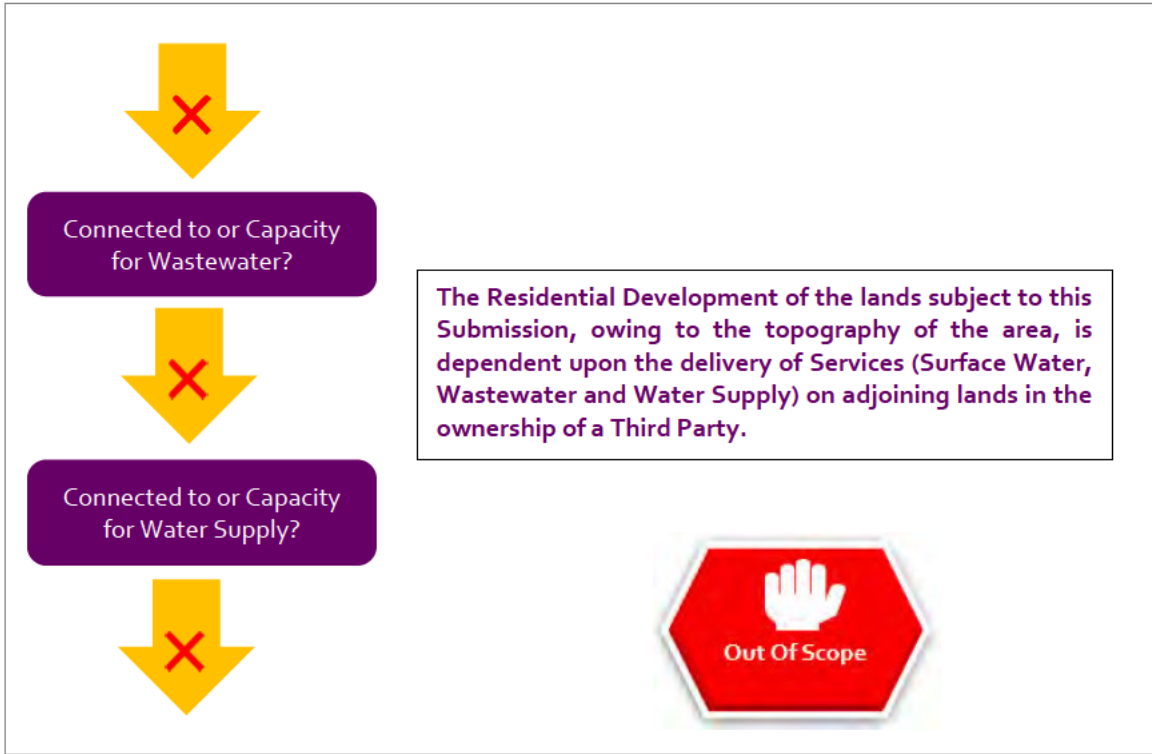
Having regard to the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)* and in particular Appendix 4 therein, a Scoping Exercise, which is graphically illustrated below, has been undertaken by Thornton O’Connor Town Planning to determine if the lands subject to this Submission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

Step 1



Step 2






Step 3



Step 4

Is a Trade or Profession Being Carried Out on the Land?



Step 5



Is the Land Identified on a Statutory Land Use Plan as Being Required For, Or Integral to, Occupation By:

- I) Social, Community, Governmental, Public Administration, Education and Healthcare Infrastructure and Facilities
- II) Transport Facilities and Infrastructure
- III) Energy Infrastructure and Facilities
- IV) Telecoms Infrastructure and Facilities
- V) Water and Wastewater Infrastructure and Facilities
- VI) Waste Management and Disposal Infrastructure
- VII) Recreational Infrastructure, Playgrounds, Sports Facilities



Step 6

Is the Land Subject to a Statutory Designation Which May Preclude Development?

The lands subject to this Submission at Kindlestown House, Delgany, Co. Wicklow, as illustrated on the Heritage Map within the *Greystones-Delgany and Kilcoole Local Area Plan 2013-2019* contain a Protected Structure, as well as a Tree Protection Objective. Land subject to a Statutory Designation(s) may notably considered 'Out of Scope' and such land should thus be omitted.

4.0 RATIONALE FOR SCOPING OUT – CLEAR IMPEDIMENT TO DEVELOPMENT

The lands in the ownership of [REDACTED] at Kindlestown House, Delgany, Co. Wicklow which are subject to this Submission, as detailed in Section 3.0 above and elaborated upon herein, should be considered 'Out of Scope' as they do not satisfy the qualifying criteria.

4.1 The Residential Development of the Lands Subject to this Submission is Dependent Upon the Delivery of Road Infrastructure and Footpaths on Adjoining Lands in Third Party Ownership

Whilst the lands subject to this Submission can in theory be accessed from Chapel Road, the Residential Development of same, owing to (a) the nature of Chapel Road (a Single Carriageway (Rural Type) Road) (Figure 4.1), (b) the topography of the lands subject to this Submission, and (c) the Trip Generation associated with a Residential Development thereon, a further Vehicular and Pedestrian Access/Connection is required to facilitate the Residential Development of the lands subject to this Submission. The Chapel Road access does not facilitate the development of the entire site, rather it only facilitates access in and around the Protected Structure.



Figure 4.1: Existing Entrance to Lands Subject to this Submission on Chapel Road

(Source: Google Maps Street View, Annotated By Thornton O'Connor Town Planning, 2022)

To develop the main portion of the site, which is at a significantly lower level than the Chapel Road access, a Vehicular and Pedestrian Access/Connection to the permitted Churchlands Residential Development on adjoining lands in the ownership of a Third Party is required to ensure the Road Infrastructure and Footpaths in a (Future) Residential Development on the lands

subject to this Submission are compliant with the *Design Manual for Urban Roads and Streets* and *Part M (2010) of the Building Regulations*.

The Residential Development of the majority of the lands subject to this Submission is thus ultimately dependent upon the delivery of the Road Infrastructure and Footpaths on adjoining lands in the ownership of a Third Party, which it will notably connect to to provide a New/Additional Vehicular and Pedestrian Access.

As regards Road and Footpath Access, the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)* sets out the following regarding same in considering the scope of lands:

Road Access: *'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, [for example,] should be discounted with the exception of Local Authority owned lands, where use and access are a matter for the authority.'* [Our Emphasis]

Footpath Access: *'Similarly to road access, for lands to be considered in scope, there should be an ease of connection to an existing footpath network to facilitate active travel modes from the outset. Provision of significant sections of new footpath across other landholdings, where the land is not in the control of the landowner or local authority should be discounted when considering lands to be in-scope.'* [Our Emphasis]

It is clear, having regard to the foregoing extracts from the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)*, that the required construction of Road Infrastructure and Footpaths on other landholdings, where the land is not in the control of the Landowner or Local Authority, to facilitate the development of lands which are in the control of the Landowner (as is the case with the lands subject to this Submission) results in the lands being considered 'Out of Scope'.

Having regard to the dependency of the Residential Development of the lands subject to this Submission on the delivery of Road Infrastructure and Footpaths on adjoining lands in the ownership of a Third Party, the lands subject to this Submission are considered 'Out of Scope'.

4.2 The Residential Development of the Lands Subject to this Submission is Dependent Upon the Delivery of Services on Adjoining Lands in Third Party Ownership

The Residential Development of the lands subject to this Submission, owing to, *inter alia*, the topography of the lands and its environs, is dependent upon the delivery of Services (Surface Water, Wastewater and Water Supply) on adjoining lands in the ownership of a Third Party (located to the immediate east of the lands subject to this Submission). Whilst a Residential Development has been permitted on the lands to the immediate east of the lands subject to this Submission, we have been advised that the delivery of the aforementioned Services (necessary to facilitate the Residential Development of the lands) is not as of yet complete.

As regards Services, the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)* sets out the following:

'If the works required to connect the land to services are materially significant, for example require access to 3rd party lands which are in private ownership or would require

CPO or planning permission in themselves, then the land should be considered to be out of scope. [Our Emphasis]

It is clear, having regard to the foregoing extract from the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)*, that where connecting the land to services (which are not provided yet in this instance) requires access to lands in the ownership of a Third Party (as is the case in this instance), then the lands should be considered 'Out of Scope'.

Having regard to the dependency of the Residential Development of the lands subject to this Submission on the delivery of Services (Surface Water, Wastewater and Water Supply) on adjoining lands in the ownership of a Third Party, the lands subject to this Submission are considered 'Out of Scope'.

4.3 The Lands Subject to this Submission Are Subject to Statutory Designations

A Protected Structure, namely *Kindlestown House (Wicklow County Development Plan 2022-2028 Reference No. 08-75)*, as well as a Tree Protection Objective, namely '*T20 – Killincarrig, Trees on Grounds of Private Dwelling*' ('Statutory Designations'), as illustrated on the Heritage Map within the *Greystones-Delgany and Kilcoole Local Area Plan 2013-2019*, are located on the lands subject to this Submission (Figure 4.2).

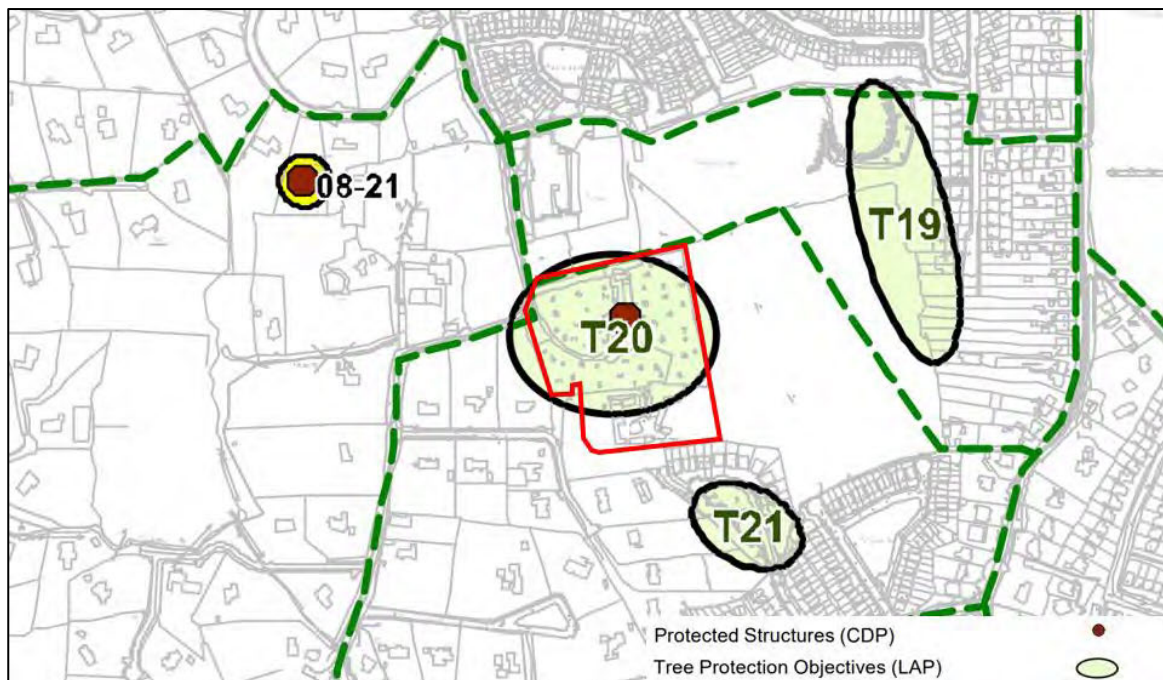


Figure 4.2: Heritage Map with the Lands Subject to this Submission Indicatively Outlined in Red

(Source: *Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, Annotated By Thornton O'Connor Town Planning, 2022*)

As regards the Residential Zoned Land Tax Relevant Criteria, the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)* states that:

'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 [...]

(c) it is reasonable to consider is not affected, in terms of its physical condition [...]

but which is not land — [...]

(IV) that is subject to a statutory designation that may preclude development'. [Our Emphasis]

It is clear, having regard to the foregoing extract from the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)*, that **where lands, such as the lands subject to this Submission, are subject to a Statutory Designation(s) which may preclude(s) development that the area associated with same should be considered 'Out of Scope'**. It is clear that both the presence of a Protected Structure and a Tree Protection Objections limits the development of the subject site as thus should be ruled 'out-of-Scope' in the context of the wording of the RZLT Guidelines.

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 Kindlestown House, Delgany, Co. Wicklow which are subject to this Submission **do not meet** the qualifying criteria set out in Section 653B of the *Finance Act 2021* for inclusion on the 'Draft Map'.

As demonstrated herein, the Residential Development of the lands subject to this Submission, which are notably subject to Statutory Designations in the form of a Protected Structure and a Tree Protection Objective, is dependent upon the delivery of Road Infrastructure, Footpaths and Services on adjoining lands in the ownership of a Third Party, and 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 confirmation⁴ 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,



Patricia Thornton
Director
Thornton O'Connor Town Planning

⁴ Not later than 1st April 2023 in accordance with Legislation.



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TO WHOM IT MAY CONCERN

RE: Kindlestown House and Lands Delgany, County Wicklow

We confirm that we acted on behalf of [REDACTED] in relation to the purchase of the above property. We confirm that the purchase has been completed and [REDACTED] is now the legal and beneficial owner of this property. The property is comprised in Folios 2273F and 13983F County Wicklow and is outlined with a red verged line on the map attached hereto.

Yours faithfully,


McGroddy Brennan LLP

CENTRE COORDINATES:
ITM 723100,71595

ORDER NO.:
S0000450_1

PUBLISHED:
22/10/2019

MAP SERIES:
1:1,000
1:1,000

MAP SHEETS:
3574-16
3574-21

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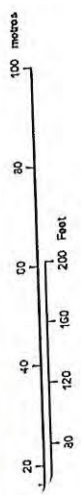
MAP No. 7B

Land Registry Compliant Map



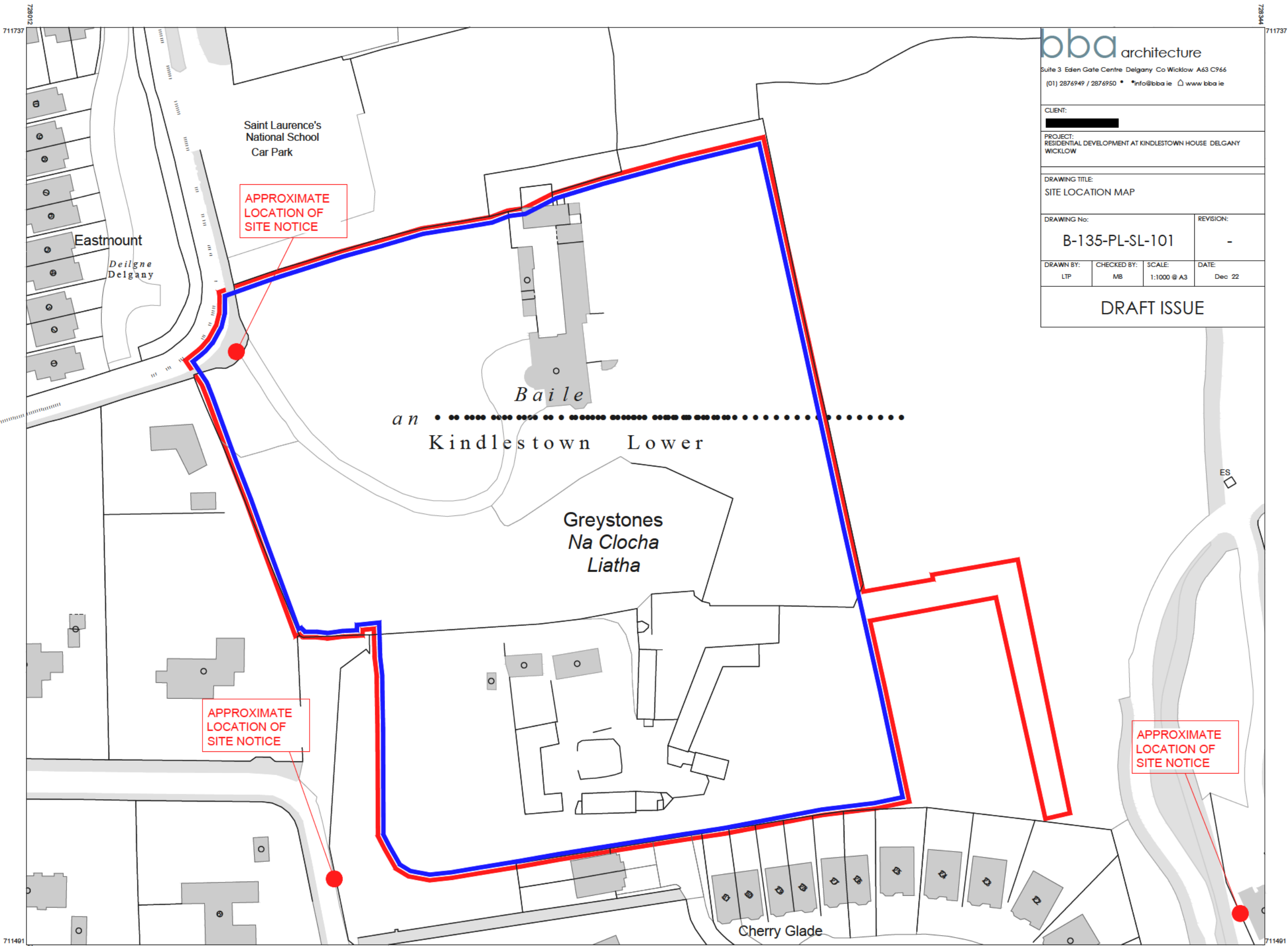
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Map prepared by:
Denis McCague Associates Ltd
Email: denismcague@gmail.com
M: 086 8939059
D: 9th April 2020
Ordnance Survey Ireland Licence
No. SU0004420

Planning Pack Map



oba architecture

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CLIENT:
[REDACTED]

PROJECT:
RESIDENTIAL DEVELOPMENT AT KINDLESTOWN HOUSE DELGANY WICKLOW

DRAWING TITLE:
SITE LOCATION MAP

DRAWING No: **B-135-PL-SL-101** REVISION: -

DRAWN BY:	CHECKED BY:	SCALE:	DATE:
LTP	MB	1:1000 @ A3	Dec 22

DRAFT ISSUE

CENTRE COORDINATES:
ITM 728178,711614

PUBLISHED: 22/11/2022 ORDER NO.: 50303949_1

MAP SERIES: 1:1,000 MAP SHEETS: 3674-16
1:1,000 3674-21

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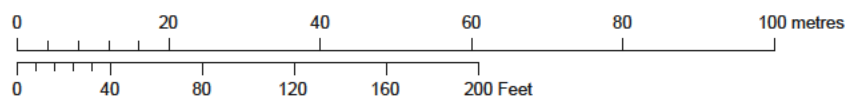
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