

FASSAROE PHASE 1 SHD

Part V Proposals

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F01
05 April 2022

Part V Proposals

Document status

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Approval for issue

ML

25 March 2022

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Prepared by:

RPS

Prepared for:

Cosgrave Property Group

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Appendix C	Part V letter from Wicklow County Council
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1 INTRODUCTION

The purpose of this report is to set out the Part V proposals for the development at Fassaroe, Bray, Co. Wicklow as required under the Planning and Development Act, 2000 as revised and the Regulations made thereunder. This report is prepared by RPS in consultation with and with inputs from the applicant Cosgrave Property Group. The report includes an estimate of financial costs associated with same which have been prepared by the applicant.

2 PART V REQUIREMENT

Section 96 of the Planning and Development Act 2000 as amended allows for a Planning Authority to enter into an agreement with a developer requiring 20% of land in respect of which permission for the development of houses is granted to be provided to a planning authority for the purposes of social housing. This was previously a 10% provision.

“Section 96(3)(j) provides for transitional circumstances where 10% will continue to apply. These are as follows:

Where—

(i) the permission is granted before 1 August 2021, or

(ii) the permission is granted during the period beginning on 1 August 2021 and ending on 31 July 2026 and the land to which the application for permission relates was purchased by the applicant, or the person on whose behalf the application is made, during the period beginning on 1 September 2015 and ending on 31 July 2021,

the reference to “20 per cent of the land” in paragraph (a) shall be read as “10 per cent of the land” and the reference in paragraph (bb) to “at least half of the aggregate of the net monetary value” shall be read as “all of the aggregate of the net monetary value”.

The applicant in this instance is Cosgrave Property Group which requested pre-application consultation with An Bord Pleanála in respect of the current development on 06/07/20. In October 2020 the lands at Fassaroe were purchased by BORG Developments Unlimited Company. The applicant in this instance remains as Cosgrave Property Group which is making the application on behalf of the current owners BORG Developments Unlimited Company.

With reference to the provisions of section 96(3)(j), it is submitted that the Part V requirement in this case is 10% for the following reasons:

- The permission is expected to be granted in August 2022
- The land to which the application relates was purchased by BORG Development Unlimited Company (on whose behalf the application is being made) on 30.10.20.

We enclose with this report for the information of An Bord Pleanála the following information to confirm the purchase of the lands on which the current housing proposals are situate. This includes the following:

- At Appendix A: Copies of Property Registration Authority Folios for the following Folios which include maps showing the relevant lands – Folio WW57, WW23457F, WW23459F and WW21286F.
- At Appendix B: Copies of Stamp Certificates for the Sales of these lands – with relevant Folios referenced (and amounts redacted for confidentiality purposes).

3 METHOD OF COMPLIANCE

Cosgrave Property Group proposes to transfer units on site to the ownership of an approved Housing Association, Wicklow County Council. The development comprises a total of 650 No. units in total. It is proposed to transfer the required 10% of this total number of units to the Housing Association, i.e. 65 No. units. It is also proposed to transfer an additional 8 No. social housing units to the Housing Association, with costs to be calculated on the same basis as the Part V obligation.

In addition to these 73 No. units to be transferred for the current Phase 1 proposed development, it is proposed to transfer an additional 39 No. units to the Housing Association at this time as frontloading or advance part provision of Part V requirements for a subsequent Phase 2 planning application by the Applicant for housing on the wider Fassaroe lands in due course.

Part V proposals in respect of this application were presented to Wicklow County Council via submissions of 6th August 2021, 12th October 2021 and 8th November 2021. The current proposals presented in this report reflect the proposals as agreed in principle with Wicklow County Council at that time. A letter dated 10.11.21 from Wicklow County Council is provided at Appendix C of this report which clarifies that Wicklow County Council is agreeable in principle that the Part V obligations may be satisfied by the provision of 65 units and they also note the proposals for the provision of an additional 8 No. units as well as the frontloading of Part V units for a future Phase 2 application.

It is noted that the letter from Wicklow County Council advised that it could not determine whether the transition arrangements applied. In this regard it advised that the application would be required to submit evidence of when the land was purchased to qualify for the 10% obligation. In this regard we refer to section 2 above and to the evidence presented at Appendix A and B which confirm that the 10% provisions apply.

4 DETAILS OF UNITS TO BE PROVIDED

It is proposed to transfer the entirety of proposed apartment Block No. 3 to the Housing Association. This block is identified on the **Site Layout Plan at Figure 4-1 below**. Block 3 comprises a total of 112 No. units. This will comprise the 65 No. Part V 10% requirement plus an additional 8 No. units for the current Phase 1 application plus 39 No. units as advance Part V provision for a future Phase 2 application. **Appendix D** contains Floor plans of Block 3.

Based on previous experience of the Applicant in residential schemes elsewhere within the Greater Dublin Area, the delivery of social housing within an entire apartment block ensures ease of management by the Housing Body; allowing it to control ongoing management costs, which is ultimately to the benefit of residents. Block 3 as identified on **Figure 4-1** is located adjacent to the proposed Neighbourhood Centre and will accordingly have immediate and easy access to support services and public transport.

The unit types to be provided in Block 3 are as follows:

Apartment Block	1 Bed units	2 bed units	3 Bed units	Total
Block No. 3	47	53	12	112



Figure 4-1: Location of Block 3 - Proposed Part V Provision

5 FINANCIAL ASPECTS

5.1 Legislative Basis

Section 96(3)(d) of the Planning and Development Act 2000 provides that:

where houses are to be transferred to the planning authority, or persons nominated by the authority, in accordance with an agreement under paragraph (b), the price of such houses shall be determined on the basis of—

the site cost of the houses (calculated in accordance with subsection (6)), and

the costs, including normal construction and development costs and profit on those costs, calculated at open market rates that would have been incurred by the planning authority had it retained an independent builder to undertake the works, including the appropriate share of any common development works, as agreed between the authority and the developer.

In accordance with this provision the proposed costs per unit will be based on the following:

- Land cost + Normal build cost (incl. 15% builders profit) plus a pro-rata share of common development works
- It is important to note that the estimated costs below are high level estimates at this point only, based on knowledge of current land and build costs and in the absence of detailed costings. There may be additional currently unforeseen costs.

5.2 Land Costs

The land cost in this instance are based on the value of the land calculated by reference to its existing use (Existing Use Value, EUV) on the date on which the permission for the development is granted, on the basis that on that date it would have been, and would thereafter have continued to be, unlawful to carry out any development in relation to that land other than exempted development.

The existing use of the lands on which the development is proposed is agricultural. Land costs for agricultural land in the vicinity of the site are currently estimated at €62,000.00 per hectare.

For the purposes of these current calculations, land costs include the cost of the land associated with the area of land on which the proposed Part V units are proposed, the access road lands and district park lands.

Land for Apartment Units:

The extent of land on which the 650 No. residential dwellings are proposed is 11.55 hectares in total. Based on the area of land required for Block 3 and its associated curtilage, the land costs for Block 3 are €64,790.00 which equates to approx. €579 per unit.

Access Road land costs: The access road area approx. 2.40 hectares x €62,000.00 (EUV) = €148,800.00. This access road which links the N11 to Ballyman Road is required as part of the Phase 1 development at Fassaroe. Phase 1 comprises a total of approx. 2,000 No. units with reference to the Bray Municipal District LAP. The road will also provide access for the district park and active open space, the neighbourhood centre and for future employment uses and schools. In this regard it is submitted that it is reasonable to attribute 33% of the access road land costs to the Phase 1 housing development = €49,104.00. On this basis the contribution per unit is €75.

Land costs associated with District Park: 15.3ha x €62,000.00 = €948,600.00. As the District Park and Active Open Space are required under the Bray MD LAP to service the initial 2,000 No. residential units at Fassaroe, it is submitted that approx. 33.7% of these land costs are attributable to Phase 1 housing = €319,678.20. Contribution per unit is €492.

Total estimated land cost per unit at present time: Approx.: €1,146.

5.3 Build and Attributable Costs

Building and attributable development costs will include costs associated with:

- Labour, materials and plant in carrying out the physical work;
- Design team fees (architects, engineers, planners, quantity surveyors, etc.);
- Planning application and possible planning appeal fees;
- Fire certificate fees;
- Any development contributions required by the Planning Authority or An Bord Pleanála or any connection charges required by the planning authority;
- Other utility connection charges (electricity, gas, telephone, etc.);
- Overheads;
- Financing costs associated with the above.

Build Costs

Based on build costs of recent apartment construction undertaken by the Applicant the build and attributable costs for a scheme such as this are estimated at €3,550.00 (nett) per sq.m.

Including 10% Builders Profit this estimate is €3,905.00 per sq.m.

Associated Costs

Professional Fees for the project are estimated currently at an average of 10% of total build cost per unit or approx. €28,000.00 per unit on average.

Irish Water Contributions approx. €6,500.00 per dwelling.

Other utilities connections: €4,000.00 per dwelling.

5.4 Unusual Costs

Landfill Remediation Costs

There will be unusual construction costs at the subject site due to remedial measures required to be undertaken at the historic landfill sites in order to facilitate the development. The costs of these works will be spread proportionately across the proposed development. It is currently estimated that these costs could be in the region of €5,250,000.00. The costs associated with this however will require detailed design following issue of permission. The landfill sites are largely located on the northern half of the Fassaroe lands in which approx. 2,000 No. units will be accommodated in the longer term. Accordingly, it is submitted that approx. 33% of these costs could be attributed to the Phase 1 housing proposals and thereafter attributed to units on a pro rata basis. Based on current estimates, this would equate to approx. €2,665.38 per unit.

Infrastructural Costs Incurred to Date

The applicant has to date undertaken significant infrastructural works at Fassaroe to facilitate development at these lands. These comprise of:

- Construction of the N11 intersection
- Realignment and upgrading of the original Berryfield Lane connecting the land to the N11(now the avenues at the eastern side of the site)
- Upgrading of surface water drainage network
- Upgrading the foul water network and extending it the full length of the Dargle Road into Bray
- Pipe-jacking & drilling new drainage routes across the N11
- Rerouting ESB overhead lines below the N11

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- Construction of the western connection to Ballyman Road (part of the main spine road through the development land)
- Professional fees associated with all of the above

Total cost of works to date is €24,850,000.00. Accordingly, it is submitted that approx. 33% of these costs could be attributed to the Phase 1 housing proposals and thereafter attributed to units on a pro rata basis. Based on current estimates, this would equate to approx. €12,616.15 per unit.

Park Development / Landscaping Costs

The estimated costs of laying out and landscaping the proposed park are approximately €25.3m approx. (€1,358,500.00 per hectare) Attributing say 33% of these costs to the Phase 1 proposed housing, and thereafter distributing this on a pro rata basis the estimate per dwelling unit is €12,844.62 per unit.

Cycle and Pedestrian Route (including Bridge across N11) connecting to Upper Dargle Road

The estimated costs of this route including bridge is €2,000,000.00. This bridge is required as part of the Phase 1 development under the Bray MD LAP. Based on a total of approx. 2,000 No. residential identified in the LAP for Phase 1 at Fassaroe, it is reasonable to attribute approx. 33% of these costs to the current Phase 1 application. Thereafter distributing this on a pro rata basis the estimate per dwelling unit is €1,015 per unit.

5.5 Approximate Costs for Part V Units

The current estimate of likely costs for the Part V proposals are based on the following general floor areas for each unit type. These do not reflect the exact floor areas of each unit as proposed within Block 3.

- 1 Bed Apartment: Approx. 47 sq.m.
- 2 Bed Apartment: Approx. 75 sq.m.
- 3 Bed Apartment: Approx. 98 sq.m.

See estimated costs in table below:

Table 5-1: Estimated Costs Per Typical Unit

Apt Type	Land Costs	Build Cost (incl 10% profit)	Professional Fees 10%	Financial Contributions	IW Contributions	Other Utilities	Landfill Remediation	Unusual / Historic Costs	District Park	Total
1 Bed	1,146	183,535	18,354	0.00	6,500	4,000	2,665	13,631	12,845	242,676
2 Bed	1,146	292,875	29,288	0.00	6,500	4,000	2,665	13,631	12,845	362,950
3 Bed	1,146	382,690	38,269	0.00	6,500	4,000	2,665	13,631	12,845	461,746

Table 5-2: Total Cost Estimate for Phase 1 Part V provision plus Advance Part V Provision for future Phase 2 proposals

Apartment Type	Estimated Cost Per unit	No. of Units	Total Approx. Estimate
1 Bed	242,676	47	11,405,756
2 Bed	362,950	53	19,236,331
3 Bed	461,746	12	5,540,954
Total	322,540 (average)	112	36,183,041

Appendix A

Property Registration Authority Folios

Land Registry

County Wicklow

Folio 23457F

Register of Ownership of Freehold Land

Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	A plot of ground being part of the Townland of FASSAROE and Barony of RATHDOWN shown as Plan(s) 94, edged RED on the Registry Map (OS MAP Ref(s) 3/16, 7/4).	From Folio WW57

File Plan Issued: Yes

Page 1 of 4

Land Cert Issued: No

Collection No.:

Land Registry

County Wicklow

Folio 23457F

Part 1(B) - Property
Parts Transferred

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

Land Registry

County Wicklow

Folio 23457F

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	09-FEB-1999 D1999KW001461G	Jospeh Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Grand Canal Street, Dublin 2, and Peter Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Grand Canal Street, Dublin 2, and Michael Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Grand Canal Street, Dublin 2 are full owners.

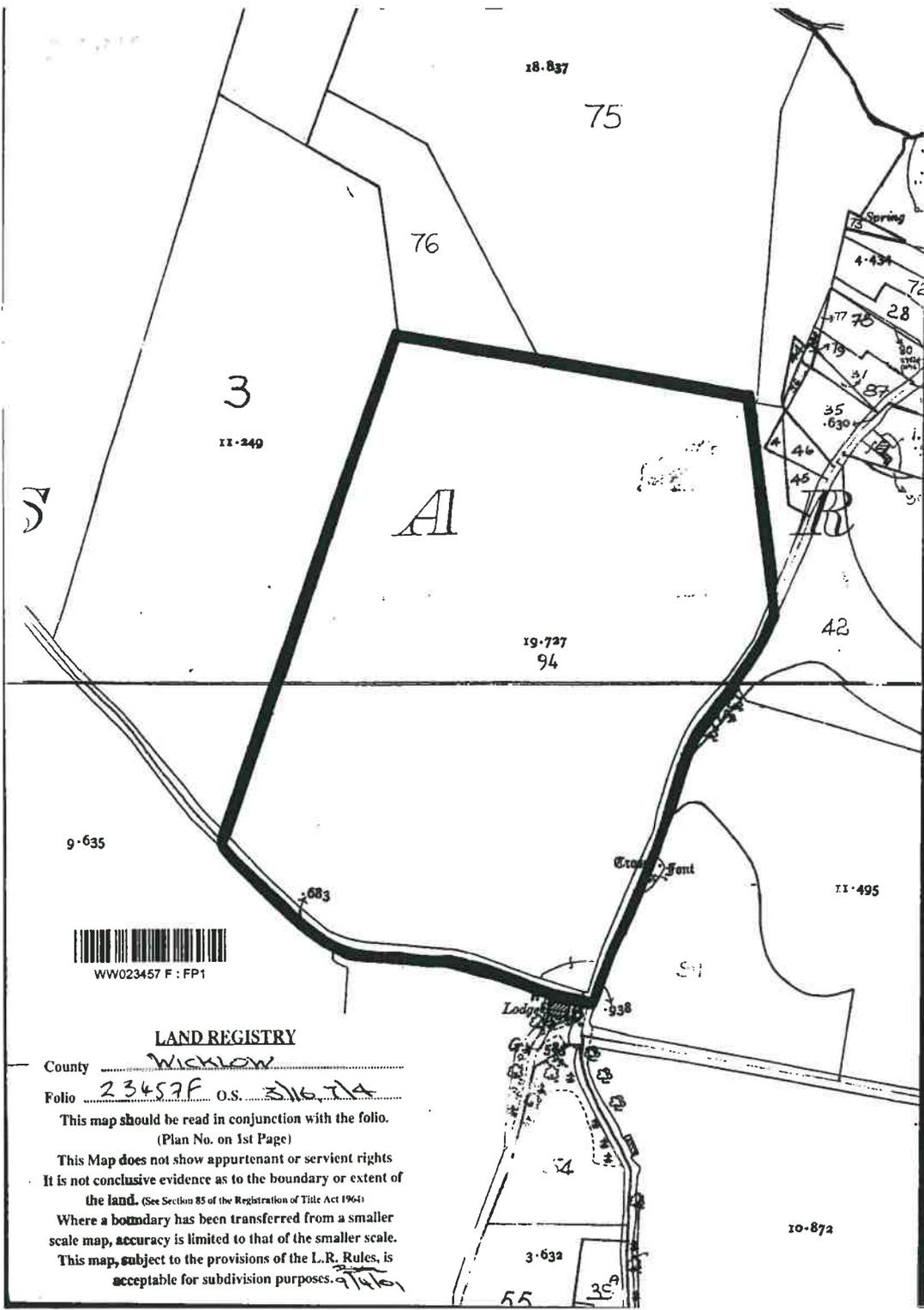
Land Registry

County Wicklow

Folio 23457F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	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.
2	09-FEB-1999 D1999KW001461G The right of way and such other easements as specified in Instrument no. D1999KW001461G in favour of the registered owner(s) of the property comprised in folio WW57, his heirs and assigns and others as specified therein affecting the part of the property as specified in Instrument D1999KW001461G.



LAND REGISTRY

County Wicklow

Folio 23457F O.S. 3167A

This map should be read in conjunction with the folio.
(Plan No. on 1st Page)

This Map does not show appurtenant or servient rights
It is not conclusive evidence as to the boundary or extent of
the land. (See Section 85 of the Registration of Title Act 1964)

Where a boundary has been transferred from a smaller
scale map, accuracy is limited to that of the smaller scale.
This map, subject to the provisions of the L.R. Rules, is
acceptable for subdivision purposes. 9/16

Land Registry

County Wicklow

Folio 23459F

Register of Ownership of Freehold Land

Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	A plot of ground being part of the Townland of FASSAROE and Barony of RATHDOWN containing 20.8486 Hectares shown as Plan(s) 95 edged RED on the Registry Map (OS MAP Ref(s) 3/16, 7/4).	From Folio WW57

File Plan Issued: Yes

Page 1 of 4

Land Cert Issued: No

Collection No.:

Land Registry

County Wicklow

Folio 23459F

Part 1(B) - Property

Parts Transferred

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

Land Registry

County Wicklow

Folio 23459F

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	05-APR-2000 D2000KW004055X	Joseph Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Grand Canal Street, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).
2	05-APR-2000 D2000KW004055X	Peter Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Grand Canal Street, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).
3	05-APR-2000 D2000KW004055X	Michael Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Grand Canal Street, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).

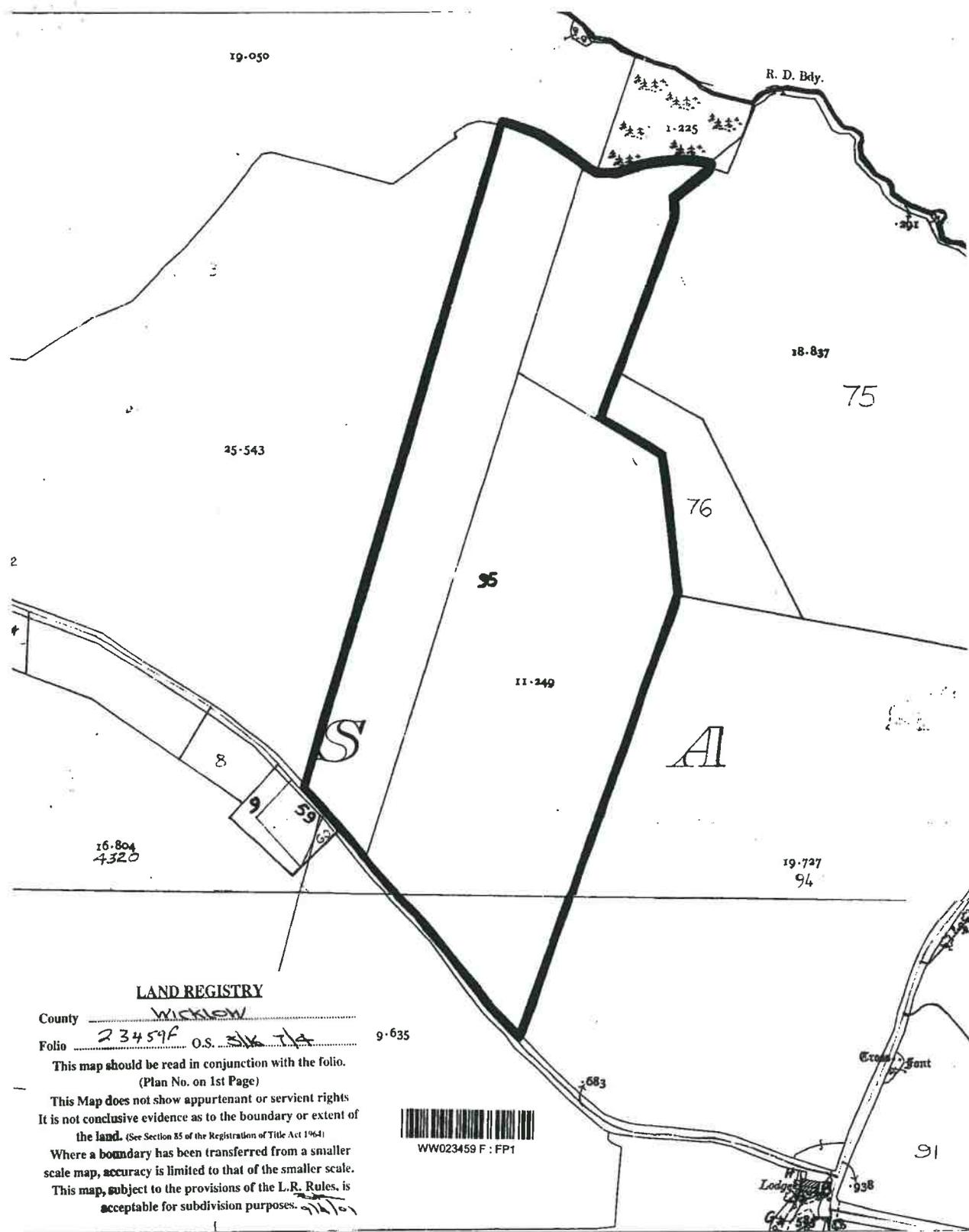
Land Registry

County Wicklow

Folio 23459F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	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.
2	05-APR-2000 D2000KW004055X The right of way and such other easements as specified in Instrument no. D2000KW004055X in favour of the registered owner(s) of the property comprised in folio WW57, his heirs and assigns and others as specified therein affecting the part of the property as specified in Instrument 2000KW004055X.
3	05-APR-2000 D2000KW004055X Charge for present and future advances repayable with interest. **(Maximum Duty £500 paid)** Lombard & Ulster Banking Limited and Ulster Bank Markets Limited are owners of this charge. Note : This Charge is registered also on WW20697F.



LAND REGISTRY

County WICKLOW

Folio 23459f O.S. 216 7a

9-635

This map should be read in conjunction with the folio.
(Plan No. on 1st Page)

This Map does not show appurtenant or servient rights
It is not conclusive evidence as to the boundary or extent of
the land. (See Section 85 of the Registration of Title Act 1964)

Where a boundary has been transferred from a smaller
scale map, accuracy is limited to that of the smaller scale.
This map, subject to the provisions of the L.R. Rules, is
acceptable for subdivision purposes.



WW023459 F : FP1



The Property Registration Authority
An tÚdarás Clárúcháin Maoinne

M C
F

Land Registry Sealed and Certified Copy Folio (& Filed Plan)

SHEEHAN & CO SOLICITORS
DX 168
DUBLIN

This page forms part of the official document. Do not detach.

Folio Number: WW21286F
Application Number: P2020LR056465K
Your Reference: COJ134/0008

RECEIVED

10 AUG 2020

This document comprises an office copy of the Land Registry record for the above mentioned folio/filed plan as of the date appearing.

Details of **dealings pending** (if any) on the enclosed folio/filed plan are listed in the **Schedule** below.

An officer duly authorised by the Property Registration Authority.

Schedule

Notes:

1. Filed plans should be read in conjunction with the Register. The description of the land in the Register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
2. Filed plans greater than A3 in size may be provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.
3. On receipt of this record, please check to verify that all the details contained therein are correct. If this is not the case, please return the document to the Property Registration Authority immediately.

Folio Number: WW21286F
Date Printed: 06/08/2020

Application Number: P2020LR056465K
Page 1 of 7

Land Registry

County Wicklow

Folio 21286F

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.	Description	Official Notes
1	<p style="text-align: center;">For parts transferred see Part 1(B)</p> <p>A plot of ground situate to situate in the Townland of FASSAROE and Barony of RATHDOWN containing 16.9700 Hectares shown as Plan(s) A1NGB edged RED on the Registry Map (OS MAP Ref(s) 3/16).</p> <p>The Registration does not extend to the mines and minerals</p>	<p>From Folio WW4238</p>

Land Registry

County Wicklow

Folio 21286F

Part 1(B) - Property Parts Transferred

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

Land Registry

County Wicklow

Folio 21286F

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	01-NOV-2000 D2000KW012231J	Joseph Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).
2	01-NOV-2000 D2000KW012231J	Michael Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).
3	01-NOV-2000 D2000KW012231J	Peter Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).

Land Registry

County Wicklow

Folio 21286F

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 D2009LR176001B 06-OCT-2009</p>
2	<p>01-NOV-2000 D2000KW012231J</p> <p>The right of way as specified in Instrument no. D2000KW012231J in favour of John Smith the registered owner of the property comprised in Folio 4238 affecting the part of the property shown coloured yellow on the Plan thereof on the Registry Map (O.S. 3/16)</p>
3	<p>01-NOV-2000 D2000KW012231J</p> <p>Charge for present and future advances repayable with interest. ** (Maximum Duty £500.00 paid)** Lombard and Ulster Banking Limited is owner of this charge.</p> <p style="text-align: center;">Cancelled D2009LR176001B 06-OCT-2009</p>
4	<p>06-FEB-2006 D2006DN006112J</p> <p>Charge for present and future advances repayable with interest. ** (Maximum Duty €630 paid)** ALLIED IRISH BANKS plc is owner of this charge.</p> <p>NOTE: The above charge is also registered on folios 150788F, 11704, 25454F, 13062F, 233, 32264F and 158479F County Dublin and 20697F, 23459F, 23457F, 57, 8686F, 7173F County Wicklow Note: The ownership of this charge has been transferred and is now registered on folio WW30S entry no. 2.</p>
5	<p>05-AUG-2011 D2011LR091440C</p> <p>Charge for present and future advances repayable with interest. National Asset Loan Management Limited is owner of this charge.</p>

Land Registry

County Wicklow

Folio 21286F

Note: This charge is also registered as a burden on folio
DN233, DN11704, DN18881, DN22858F, DN25474F, DN30360F,
DN32264F, DN81385F, DN146213F, DN150689F, DN150788F,
DN158479F, DN176931F, DN183942F, DN185544F, DN80310L, WW57,
WW7173F, WW8686F, WW9223F, WW20697F, WW23457F and WW23459F,

723800 mE, 718660 mN



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



Folio: WW21286F

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 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.



F. A. S. A. 1103



Land Registry Sealed and Certified Copy Folio (& Filed Plan)

SHEEHAN & CO SOLICITORS
1 CLARE STREET
DUBLIN 2

Folio Number: WW57
Application Number: C2003KW000930K
Your Reference: MF/AMH/B848

We are pleased to inform you that the above application has been completed. Details of **dealings pending** (if any) on the enclosed copy folio/filed plan are listed in the schedule below.

This page forms part of the official document. Please do not detach.

Note: Filed Plans should be read in conjunction with the folio. The description of the land in the register or on the filed plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act, 1964).

Filed plans greater than A3 in size are provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.


For **KEEPER OF RECORDS**

Schedule:



Folio Number: WW57
Date Printed: 20/03/2003

Application Number: C2003KW000930K

Land Registry

County Wicklow

Folio 57

Register of Ownership of Freehold Land

Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	A plot of ground being part of the Townland of FASSAROE and Barony of RATHDOWN shown as Plan(s) 3, 94, 95 edged RED on the Registry Map (OS MAP Ref(s) 3/16, 7/4).	Instrument APP.7684,VOL.1

File Plan Issued: Yes

Page 1 of 4

Land Cert Issued: Yes

Collection No.:

Land Registry

County Wicklow

Folio 57

**Part 1(B) - Property
Parts Transferred**

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:
1	1	D1999KW001461G	09-FEB-1999		94	WW23457F
2	1	D2000KW004055X	05-APR-2000	20.8486	95	WW23459F

Land Registry

County Wicklow

Folio 57

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	<p>26 MAY 1964 2664/5/64</p>	<p>Mervyn Howard Heatley (Farmer) of Knocklinn, Ballyman Road, Bray, Co. Wicklow is full owner.</p> <p style="text-align: center;">Cancelled</p> <p style="text-align: right;">D2000KW012054Q 28-OCT-2000</p>
2	<p>28-OCT-2000 D2000KW012054Q</p>	<p>Joseph Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).</p>
3	<p>28-OCT-2000 D2000KW012054Q</p>	<p>Peter Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).</p>
4	<p>28-OCT-2000 D2000KW012054Q</p>	<p>Michael Cosgrave (Company Director) of 13 Wentworth, Eblana Villas, Dublin 2 is full owner as tenant-in-common of 1 undivided 1/3 share(s).</p> <p style="text-align: center;">Retained in CO</p>

Land Registry

County Wicklow

Folio 57

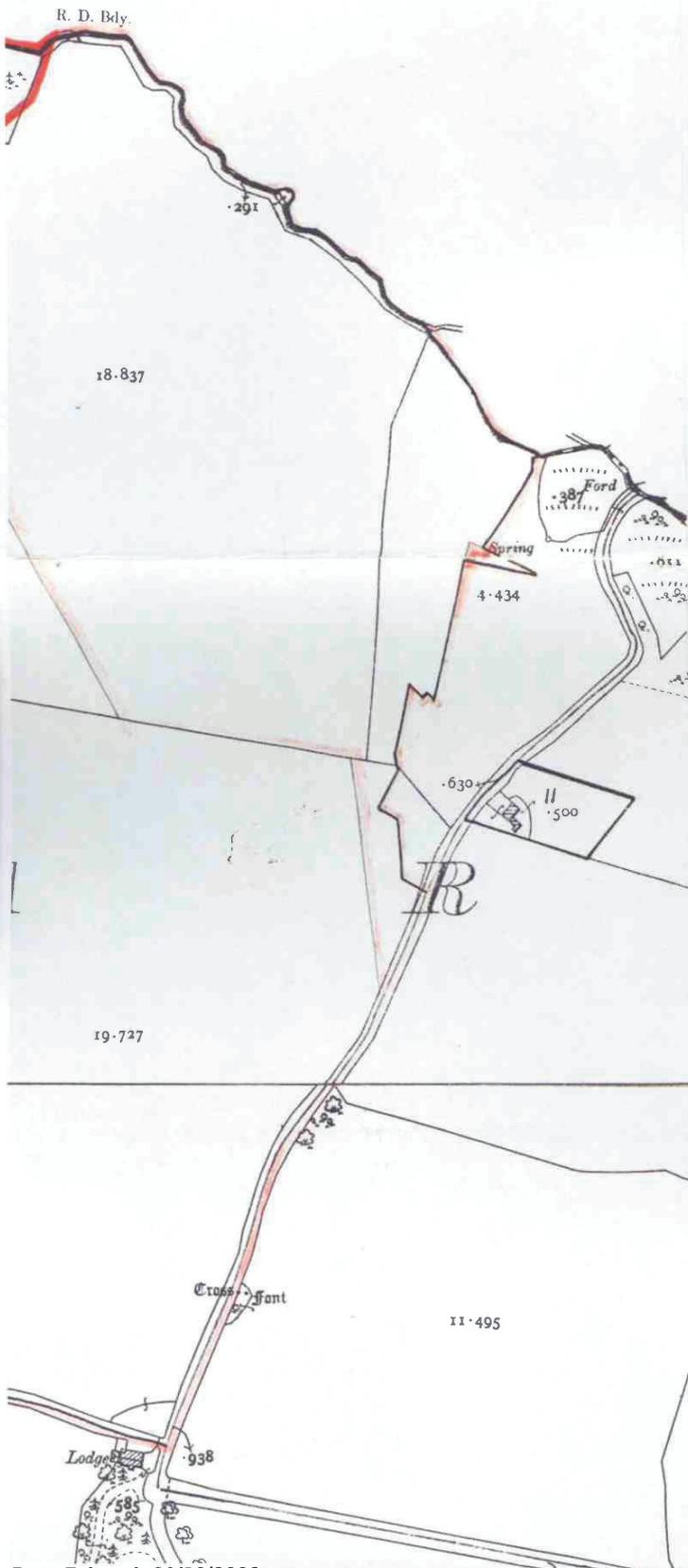
Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	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.
2	09-APR-1947 341-4-47 The full sole and exclusive liberty and licence in favour of Castle Sand Co. Ltd. to search dig mine quarry get and work by excavation and quarrying open to daylight all sand gravel stone brick clay and other like substances situate lying and being in or upon that portion of the property herein specified in Instrument No. 341-4-47 together with the other rights specified in the said Instrument all of said rights to be exercisable by the said Company during the period of 25 years from 1st January 1946 determinable as provided in the said Instrument and subject to the yearly rent of £1 and to such other rents payments and conditions as are therein specified.
3	09-FEB-1999 D1999KW001461G The rights covenants and conditions specified in Instrument No. D1999KW001461G relating to the use and enjoyment of the property.
4	05-APR-2000 D2000KW004055X The rights covenants and conditions specified in Instrument No. D2000KW004055X relating to the use and enjoyment of the property.
5	28-OCT-2000 D2000KW012054Q Collateral charge for present and future advances repayable with interest. *** (Maximum Duty £500 paid on original charge) *** Lombard & Ulster Banking Limited is owner of this charge.



LAND REGISTRY
 County Wicklow
 Folio 57 OS 7/4, 3/16
 This map should be read in conjunction with the folio.
 (Plan No. on 1st page)
 This map does not show appurtenant or servient rights.
 It is not conclusive evidence as to the boundaries or extent
 of the land. (See Section 89 of the Registration of Title Act 1964.)
 Where a boundary has been transferred from a smaller
 scale map, accuracy is limited to that of the smaller scale.
 This map, subject to the provisions of the L.R. Rules,
 is acceptable for subdivision purposes.





Appendix B
Stamp Certificates



Stamp Certificate

Document ID:	200110785C	Date Issued:	18/11/2020
Stamp Certificate ID:	20-1093571-391C-301020-S	Notice Number:	52878039-42471C
Duty:	€ 320,582.00		
Total:	€ 320,582.00		
Date of Execution of Instrument:	30/10/2020		
Parties From:	O COSGRAVE J COSGRAVE M COSGRAVE		
Parties To:	BORG DEVELOPMENTS		
Property	Berryfield Lane, Fassaroe, Bray, Wicklow		
	Folio Number(s):	WW57	
	Non Residential:	Chargeable Consideration:	€ 4,274,436.09 Duty: € 320,582.00

Revenue 



Stamp Certificate

Document ID:	200110788I	Date Issued:	18/11/2020
Stamp Certificate ID:	20-1093570-A91D-301020-X	Notice Number:	44115535-944750
Duty:	€ 451,127.00		
Total:	€ 451,127.00		
Date of Execution of Instrument:	30/10/2020		
Parties From:	O COSGRAVE J COSGRAVE M COSGRAVE		
Parties To:	BORG DEVELOPMENTS		
Property	Berryfield Lane, Fassaroe, , Wicklow		
	Folio Number(s): WW21286F		
	Non Residential: Chargeable Consideration: € 6,015,037.59		Duty: € 451,127.00

Revenue





Stamp Certificate

Document ID:	200110786E	Date Issued:	18/11/2020
Stamp Certificate ID:	20-1093568-79FD-301020-O	Notice Number:	95785402-18331C
Duty:	€ 436,748.00		
Total:	€ 436,748.00		
Date of Execution of Instrument:	30/10/2020		
Parties From:	O COSGRAVE J COSGRAVE M COSGRAVE		
Parties To:	BORG DEVELOPMENTS		
Property	Berryfield Lane, Fassaroe, Bray, Wicklow		
	Folio Number(s): WW23459F		
	Non Residential: Chargeable Consideration: € 5,823,308.27	Duty:	€ 436,748.00

Revenue 



Stamp Certificate

Document ID:	200110791U	Date Issued:	18/11/2020
Stamp Certificate ID:	20-1093569-0119-301020-K	Notice Number:	50699640-75027U
Duty:	€ 166,353.00		
Total:	€ 166,353.00		
Date of Execution of Instrument:	30/10/2020		
Parties From:	O COSGRAVE J COSGRAVE M COSGRAVE		
Parties To:	BORG DEVELOPMENTS		
Property	Berryfield Lane, Fassaroe, Bray, Wicklow		
	Folio Number(s): WW23457F		
	Non Residential: Chargeable Consideration: € 2,218,045.11		Duty: € 166,353.00

Revenue 

Appendix C

Part V letter from Wicklow County Council



Comhairle Contae Chill Mhantáin Wicklow County Council

Tithíocht - Housing

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20120
Faics / Fax: (0404) 67792
Suíomh / Website: www.wicklow.ie

Maria Lombard
Director Planning and Environment,
RPS Consulting,
Innishmore,
Ballincollig,
Co. Cork,
P31 KR68.

10th November 2021

**RE: PROPOSED PLANNING APPLICATION FOR DEVELOPMENT OF 650 UNITS AT
FASSAROE, BRAY, CO. WICKLOW
APPLICANTS RPS CONSULTING
CLIENT COSGRAVE GROUP.**

SUBJECT TO CONTRACT AND CONTRACT DENIED

Dear Ms. Lombard,

I refer to the above proposed Planning Application by RPS Consulting and McCrossan O'Rourke Manning Architects on behalf of your client the Cosgrave Group for 650 residential units made up of 241 houses and 409 apartments at development address Fassaroe, Bray Co. Wicklow and your submissions dated 6th August, 12th October and 8th November 2021 to the Council in relation to the manner in which the Developer proposes to fulfill their obligations under Part V of the Planning and Development Acts as amended.

It is not possible to determine whether the transition arrangements apply in relation to the Part V for this site based on the information supplied. It should be noted that the applicant will be required to submit evidence of when the land was purchased to qualify for the 10% Part V obligation.

If it is determined that the transition arrangements apply then Subject to Contract and to further detailed agreement upon the grant of a Planning Permission for the above development, I can confirm that Wicklow County Council is agreeable in principle only that your clients Part V obligations may be satisfied by the provision of 65 units as follows:

46 x 1 bed apartments
7 x 2 bed apartments
12 x 3 bed apartments

As included in your submission dated 8th November 2021 and outlined in proposed Site Layout Plan dated October 2021. I note the proposal to supply 8 extra social housing units bringing the total number to 73 and also your proposal to provide the remainder of the

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Oifigeach Feidhmiúcháin Sínearach d'Eastát Tithíochta agus Corparáideach.
All correspondence should be addressed to the Senior Executive Officer of Housing and Corporate Estate.



block 39 units (bringing the total to 112 units) as frontloaded partial provision of Part V units for Phase 2.

I note that a small number of the units appear to be oversized e.g. a small number of the one bed units are slightly oversized at 52 & 53sqm and 58 & 62sqm. A small number of the 2 bed units are slightly oversized at 86 & 92sqm and a small number of the 3 bed units appear to be oversized. However it appears from the drawings provided that the vast majority of the units are acceptable. I note that in the case of the B and F type units that are oversized the additional floor area comes from maximum fire escape requirements and subsequent additional circulation space is allocated to these units. Please note that in order for the Council to receive funding the units should meet the Quality Housing for Sustainable Communities Guidelines.

It should be noted that this letter is preliminary only and that the final provision in compliance with your/your clients Part V obligations and the costings relating thereto which are yet to be agreed can only be agreed on the issue of a Final Grant of Planning Permission whether by Wicklow County Council or by An Bord Pleanala on appeal.

Please also note that if the development is proposed to be carried out in phases, a Final Agreement will have to be reached prior to the commencement of development on foot of such Planning Permission as to the phasing of the development and the phasing of the satisfying of your/your clients Part V obligations under the said Planning Permission when granted. Units proposed for Part V should be pepper potted in groups of no more than 4.

It should be noted that where developments proposed are for apartments, without own door access, communal stairs or communal halls, shared access passages under or behind units and communal bin storage, large areas of external paving and timber decking, dormer windows, valleys or parapets, timber cladding, wooden windows and doors, flat roofs and small sections of flat roofs over doors or windows or balconies, social leasing to Approved Housing Bodies may be more appropriate to fulfill Part V requirements. Developers should notify the housing authority where they are engaging with an approved housing body, in this regard.

When applying for this permission, the Directors of the company should indicate their assent to the proposals that you have negotiated on their behalf.

Article 22 (2)(e) of the Planning and Development Regulations has been amended and now imposes specific requirements in relation to the details which need to be submitted as part of the planning application as to how the applicant proposes to comply with a Part V condition.

Where an applicant fails to submit the required minimum details for a Part V proposal, failure to submit proposals in full may result in the planning authority invalidating an application on the grounds of non-compliance with article 22(2)(e). Your planning application should include

1. How you propose to discharge his/her Part V obligation as regards a section of a preferred option from the options available under the legislation.
2. Details in relation to the units or land to be provided and
3. Financial aspects – it is noted that indicative costs have not been received and they should be submitted with your planning applications.
4. It will be necessary for the applicant to submit evidence of when the land was purchased in order to determine whether the transition arrangements apply in relation to this proposed development.

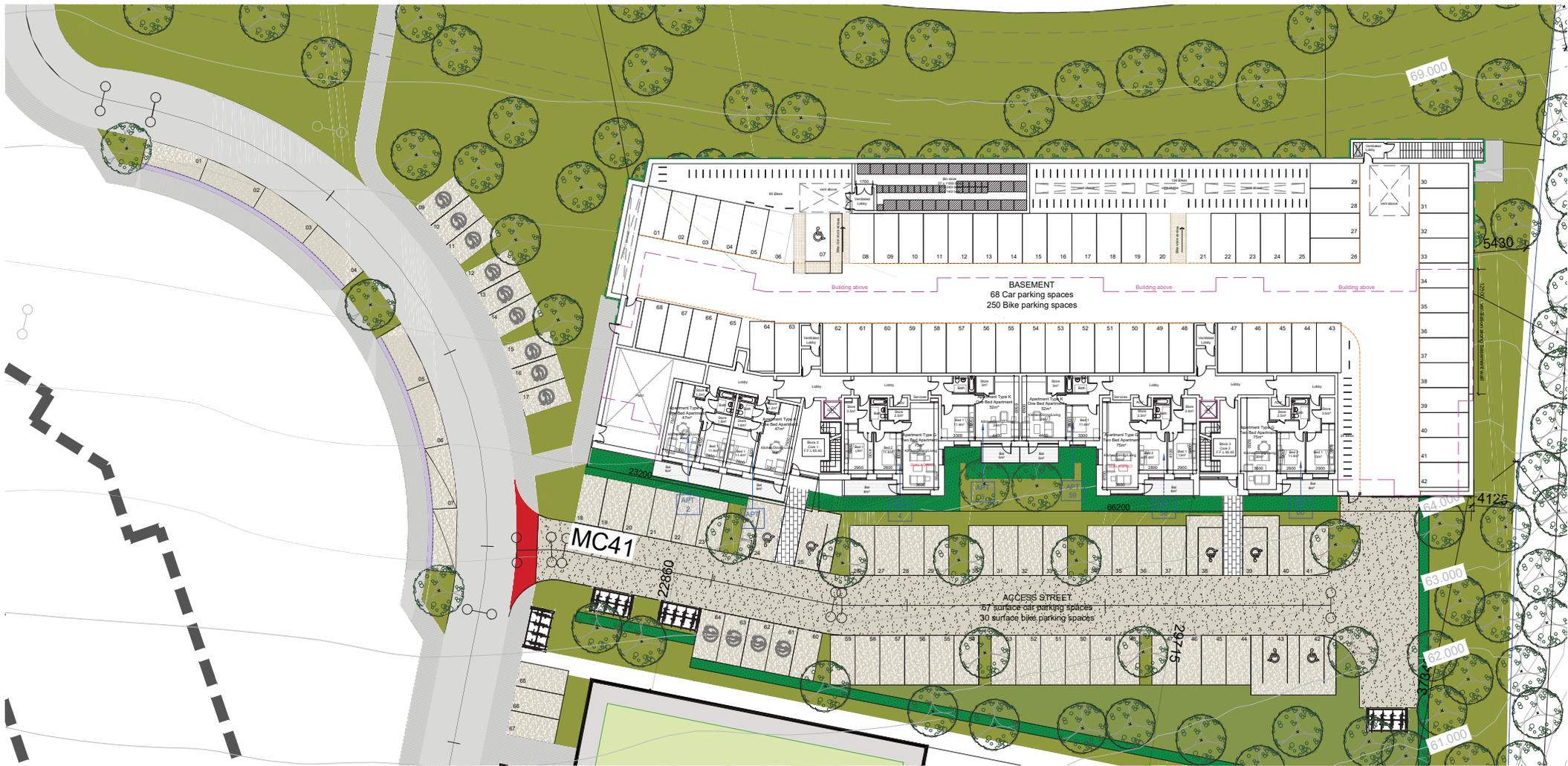
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'D Porter', written over a horizontal line.

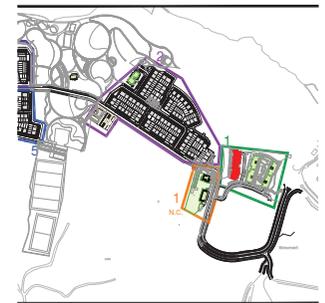
David Porter
Administrative Officer
Housing, Capital Projects
Wicklow County Council

Appendix D

Block 3 floor plans



KEY PLAN



GENERAL NOTES

THIS DRAWING TO BE READ IN CONJUNCTION WITH ARCHITECT'S DRAWINGS, CONSULTANT ENGINEER'S DRAWINGS AND SPECIFICATIONS & LANDSCAPE ARCHITECT'S DRAWINGS REFER TO ARCHITECT'S SITE PLAN FOR NORTH ORIENTATION

LEVELS GIVEN ON DRAWINGS ARE GIVEN TO A LOCAL ABSOLUTE ZERO LEVEL FOR SPECIFIC LEVELS DEPENDING ON INDIVIDUAL UNIT LOCATION. REFER TO ARCHITECT'S CONTEXT SECTIONS AND ENGINEER'S DRAWINGS WHERE LEVELS ARE ALL GIVEN IN RELATION TO LAND SURVEYOR'S BENCHMARK BASED ON MALIN HEAD DATUM LEVEL.

NOTES ON FINISHES

- ROOF: TO BE FINISHED WITH SEDUM ROOF (MINIMUM 60% COVERAGE) ON SINGLE PLY MEMBRANE OR SIMILAR
- WALLS: TO BE FINISHED IN SELECTED CLAY BRICK WORK, STONE AND METAL: CLADDING (TO AREA)
- JOINERY: ALL WINDOWS, DOORS/FRAMES (LEAVES) TO BE UPVC WITH ALUMINIUM CURTAIN WALLING TO CORES
- RAINWATER GOODS: TO BE UPVC OR PROFILED ALUMINIUM TO SPECIFICATIONS
- BALLUSTRADES/ RAILINGS: TO BE GLASS IN GALVANISED MILD STEEL FOR PAINTING

SUMMARY BLOCK 3 PROVISION:

- OVERALL BLOCK 3:
 - 1-BED: 47 APARTMENT UNITS
 - 2-BED: 59 APARTMENT UNITS
 - 3-BED: 12 APARTMENT UNITS
- LOWER GROUND FLOOR 7
- GROUND FLOOR 18
- FIRST FLOOR 18
- SECOND FLOOR 18
- THIRD FLOOR 18
- FOURTH FLOOR 18
- FIFTH FLOOR 15
- OVERALL: 112
- 56 DUAL ASPECT UNITS - 50%

BICYCLE PARKING PROVIDED:
 1 BIKE SPACE PER BEDROOM + 1 VISITOR BIKE SPACE PER 2 APARTMENT UNITS
 245 BIKE SPACES REQUIRED

250 SECURE BIKE SPACES IN UNDERCROFT
 30 BIKE SPACES IN SURFACE PARKING
TOTAL OF 280 SPACES PROVIDED

CAR PARKING PROVIDED:
 1 BAY PER UNIT + 1 VISITOR BAY PER 5 UNITS - OVERALL RATIO OF 1.2 BAYS PER UNIT
 135 CAR PARKING SPACES REQUIRED

68 SPACES IN UNDERCROFT
 67 SPACES ON SURFACE
TOTAL OF 135 SPACES PROVIDED

5% DISABLED SPACES - 7 SPACES PROVIDED BETWEEN SURFACE AND UNDERCROFT

BASEMENT VENTILATION CALCULATIONS:
 5% FLOOR AREA REQUIRED = 960m²

PODIUM VENTS	
VENT 1	15m ²
VENT 2	25m ²
VENT 3	20m ²
NORTH ELEVATION	25m ²
SOUTH ELEVATION	17m ²
ENTRANCE GATE	18m ²

TOTAL PROVIDED 120m²

NOTES:

DO NOT SCALE FROM DRAWINGS. WORK TO FIGURED DIMENSIONS ONLY. ARCHITECT TO BE NOTIFIED OF ALL DISCREPANCIES.



REVISIONS

DATE	DESCRIPTION	No.

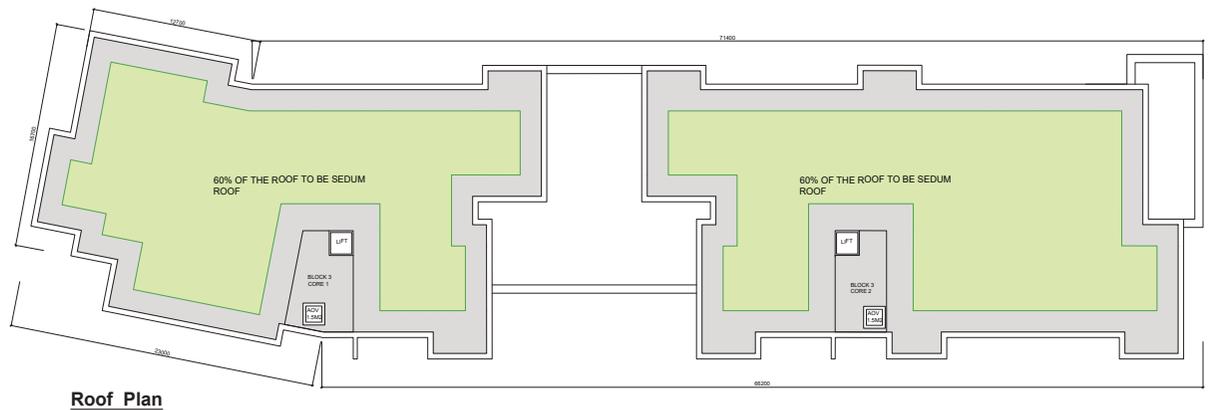
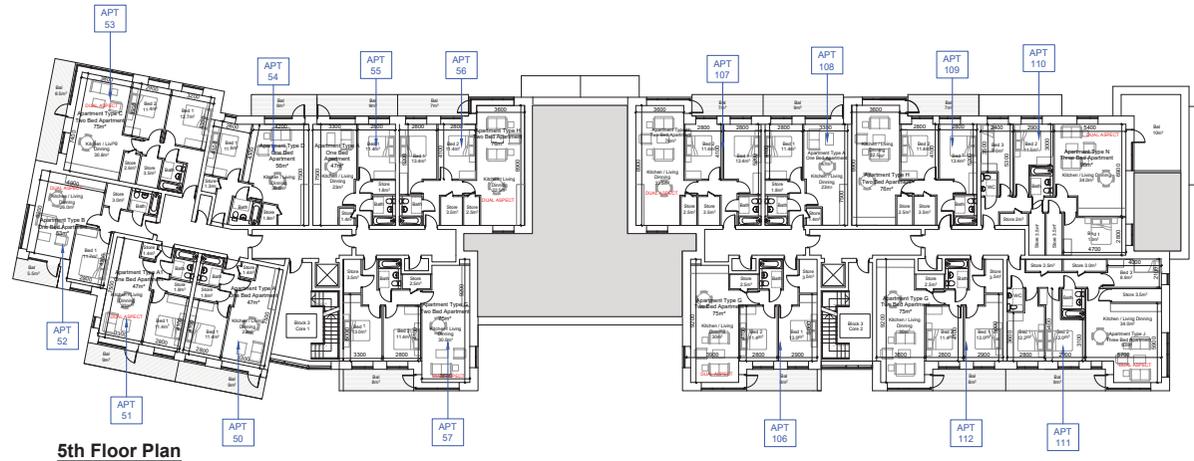
	PROJECT TITLE	DATE	DRAWN BY
	Fassaroe Phase 1, Co Wicklow	DEC 22	RS
	DRAWING TITLE	SCALE	VERSION
Block 3	1:200		
Lwr. Ground / Basement Floor Plan			
	DWG NO.	DRAWING NO.	
	15011.1	PL120	

GENERAL NOTES

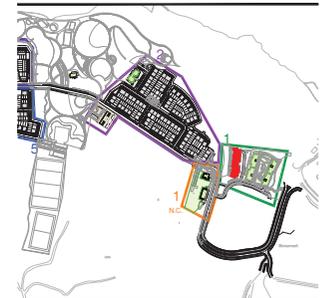
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GOODS : TO BE UPVC OR PROFILED ALUMINIUM TO SPECIFICATIONS
BALUSTRADES/ RAILINGS : TO BE GLASS IN GALVANISED MILD STEEL FOR PAINTING



KEY PLAN



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REVISIONS		No.
DATE	DESCRIPTION	

	PROJECT TITLE	Fassaroe Phase 1, Co Wicklow	DATE	JAN 22	DRAWN BY	RS JG	
	DRAWING TITLE	Block 3 5th Floor & Roof Plan	SCALE	1:200	CHECKED BY		
	1 Crossan Drive, Dublin 9, D08 X89Y, Ireland Tel: 01-4787070 Fax: 01-4788111 E-Mail: arch@mcrossan.com		REVISED	15011.1	PL122		