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29th February 2024

An Bord Pleanála
64 Marlborough Street
Dublin 1

LDG

ABP-

BORD PLEANÁLA

070400-24

29 FEB 2024

Fee: €220 - Type: CTR

Time: 13:26 By: Hand

Plan No.: 23/60219

Proposal: LARGE SCALE RESIDENTIAL DEVELOPMENT - (a) Construction of 352 no. residential units
(b) The proposed development will connect to the Tinakilly Park residential development and Rathnew Village via a new section of the Rathnew Inner Relief Road. The proposed road will join the constructed/under construction elements permitted under WCC Ref. 17/219/ ABP Ref. PL27.301261 and amended under WCC Ref. 22/837 to the south with a section of the link road to the northwest of the site at the R761 roundabout in Rathnew granted under WCC Ref. 21/1333. This includes all associated vehicular and pedestrian access, carriageways, paths and junctions. (c) No proposed works to Tinakilly Country House Hotel (a protected structure Reference No. 25-15) save for works to close the western portion of Tinakilly avenue to vehicular traffic and the provision of a new vehicular entrance and gates along the eastern portion of Tinakilly Avenue off the Rathnew Inner Relief Road to facilitate access to Tinakilly House and other properties to the east of the site accessed from Tinakilly Avenue. (d) All associated site development works, service provision, infrastructural and drainage works, provision of ESB substations, bin stores, bicycle stores, car parking, public lighting, landscaping, open space, and boundary treatment works. (e) The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement. The application site is generally bounded to the north by greenfield lands, to the east by Tinakilly Country House Hotel (which is a Protected Structure RPS No. 25-15), to the west/southwest by commercial development, the R750 Wicklow – Rathnew Road and Rathnew Village; and to the south by the Tinakilly Park residential development currently under construction..

Decision Date: 2nd February 2024

Appeal By: 29th February 2024

Re: THIRD PARTY PLANNING APPEAL

Dear Sir or Madam,

This is a third party planning appeal on behalf of *Eileen M Howell, Rathkilly Lodge, Tinakilly, Rathnew, Co. Wicklow* in respect of Wicklow County Council's notification of decision to grant planning permission for above planning application. Attached is a cheque for € 220 in respect of the prescribed fee, a copy of our client's receipt for submission, and a copy of the local authority decision. Our client is opposed to the proposed development that would impede her legally enforceable right of way at Tinakilly Avenue, it would

be pre-mature pending the approval of the Wicklow Town Rathnew Local Area Plan 2024, and it would have a detrimental impact on the architectural heritage of Tinakilly House, a protected structure and its historic access avenue. The Board is invited to overturn the decision of the local authority and refuse planning permission. The grounds of appeal are set out below.

GROUND'S OF APPEAL

Right of Way

The proposed development would impede on her right of way along Tinakilly Avenue and thus it cannot be implemented. Our client's property is northeast of the appeal site with vehicular access provided along Tinakilly Avenue via a legally enforceable right of way. Her property comprises folios WW15605F and WW22229F; see original folios enclosed. The legal right of way for access to her property is along the full length of Tinakilly Avenue¹, across and around Tinakilly County House Hotel to her land. For ease of reference, the following is the precise text from the folio:

"There is appurtenant to the property a right to pass and repass at all times by day and night on foot and with or without vehicles for all purposes over part of the Townland of Tinakelly by way shown coloured yellow on plan 8 on the Registry Map (O.S. 25/6)."

Page 8 of 8 with folio WW22229F very clearly shows the alignment of our client's right of way through Tinakilly Avenue. It should be readily apparent to the Board that the proposal would therefore sever that right of way and prevent our client using it from the R750 to the proposed T-junction of the Avenue and the Rathnew Inner Relief Road (RIRR). Our client's right of way is also registered as a burden on the land in Folio WW38002F. Attached is a copy of the folio plus a screengrab of the map². Our client's home was originally constructed by Ian Arthur Findlay and Angela Kathleen Taylor McClelland Findlay (see Burden No. 3 on folio WW38002F), so as their assign, she now has the full benefit of that right of way.

The Board is invited to assess this as a planning issue and not to dismiss it on the basis that there is a remedy in the Courts. The proposal includes works to Tinakilly Avenue including the future use of part of the avenue for pedestrians and cyclists only. The planning importance of this aspect of the proposal was specifically raised in the submission by the National Transport Authority and pedestrian and cycling routes were included in the Council's further information request. Despite our client twice raising the direct conflict with her right of way in her submissions on the application, the planning authority has failed to assess or consider the applicant's ability to implement that aspect of the proposed development.

As presented, the applicant has insufficient legal interest to carry out the proposed development. Our client's legal right of way cannot be trumped by any decision of the planning authority or An Bord Pleanála on this application. Given the planning importance placed on delivering the RIRR, the associated pedestrian and cycle linkages and permeability, and the proposed use of part of the avenue as communal open space for some of the proposed duplex units, this entire scheme is redundant without our client and other parties relinquishing her right of way along Tinakilly Avenue.

¹ She also has a right of way by virtue of declarations of long usage from the R750 to the start of Tinakilly Avenue.
² An original of the map isn't currently available due to mapping being updated by Tailte Éireann.

Pre-Mature Development

It is submitted that the proposed development is premature pending the publication and adoption of the forthcoming Wicklow Town Rathnew Local Area Plan 2024. There does not appear to be any statutory development plan or local area plan in place pertaining to the appeal site. From the planning officer's report, it is noted that the most recent development plan for the area is the Wicklow Rathnew Development Plan 2013-2019. Despite it being raised in a number of third party observations that that plan is out of date, the planning officer's reports on this LRD application do not appear to address or counter this point. Further, in the applicant's planning report at the start of section 10 it states "*the [2013] plan remains the most recent relevant statutory context in place for Wicklow and Rathnew*". We are not aware that the 2013 Plan has been extended or renewed, so it would appear that there is no extant development plan for the site.

The planning application and planner's reports also refer to a Clermont-Tinakilly Action Area Plan ("the AAP") that appears to have been approved by Wicklow County Council on 20th September 2021. We couldn't find that Plan on the Council's website, so we have requested a copy of it from the planning authority. The AAP would appear to have been approved some 2 years after the expiration of the development plan in 2019, so it is unclear as to what statutory basis that approval was made. We did locate on the Council's website² an earlier AAP prepared by PD Lane Associates on behalf of Crackington Limited for the lands under the Wicklow Environs and Rathnew Local Area Plan 2008 that was lodged to the Council in December 2009 but its status is unknown and it isn't referenced in the application papers.

The applicability or otherwise of the 2013 development plan is relevant in the context of the population targets for the plan area and in turn, the appeal site including whether or not it is currently zoned for residential development or will be zoned residential in any new plan. Section 10(8) of the Planning and Development Act 2000 (as amended) provides that "*There shall be no presumption in law that any land zoned in a particular development plan (including a development plan that has been varied) shall remain so zoned in any subsequent development plan*", so if the 2013 Plan is out of date, which appears to be the case, a continuation of the previous residential zoning cannot be assumed.

The recently approved Wicklow County Development Plan 2022-2028 includes a population target of 18,515 persons by Q2 of 2028 for Wicklow Rathnew whereas the Wicklow Rathnew Development Plan 2013-2019 includes an estimate of 24,000 for 2022 (see Table 1.1 on page 11 of the 2013 Plan). There is a material difference between the 2013 Plan, which the planning authority appears to be still having regard to and the Wicklow County Development Plan 2022-2028 that provides updated population figures in its Core Strategy. There appears to be a significant over-zoning of land in the 2013 Plan for some +5,485 persons, which is the equivalent of a small town or c. 30% of the updated and revised target for 2028.

The Board is invited to agree that the 2013 development plan is now out of date and that any development proposal for the appeal site is thus premature pending the publication and adoption of the forthcoming Wicklow Town Rathnew Local Area Plan 2024. In addition, it is submitted that the applicant has not demonstrated that the proposal is consistent with the Core Strategy as set out in the Wicklow County

² See https://www.wicklow.ie/Portals/0/Documents/Planning/Development-Plans-Strategies/Local-Area-Town-Settlement-Plans/Wicklow-Town-Rathnew/Wicklow-Environs-Rathnew-LAP-2008-2014/Wicklow_Town_Environs_Rathnew_LAP_2008_-2014_Action_Area_1_B_.PDF

Development Plan 2022-2028, in particular, with regard to the materially lower 2028 population target for Wicklow and Rathnew.

Architectural Heritage

The environmental impact assessment report (EIAR) fails to consider any impact on the architectural heritage of Tinakilly Avenue and the setting of Tinakilly House, which is a protected structure. Chapter 12 of the EIAR is titled Architectural, Archaeological and Cultural Heritage but there is zero consideration in that chapter on the potential environmental impacts from the proposal as they relate to architectural heritage either within the appeal site or within the environs of the appeal site. It is our position that the entirety of Tinakilly Avenue is within the curtilage of the protected structure and thus the protection afforded to Tinakilly Country House Hotel extends to include the avenue. The Board is referred to the OS Map from 1840 in figure 12.5 of the EIAR, which for ease is the image below.

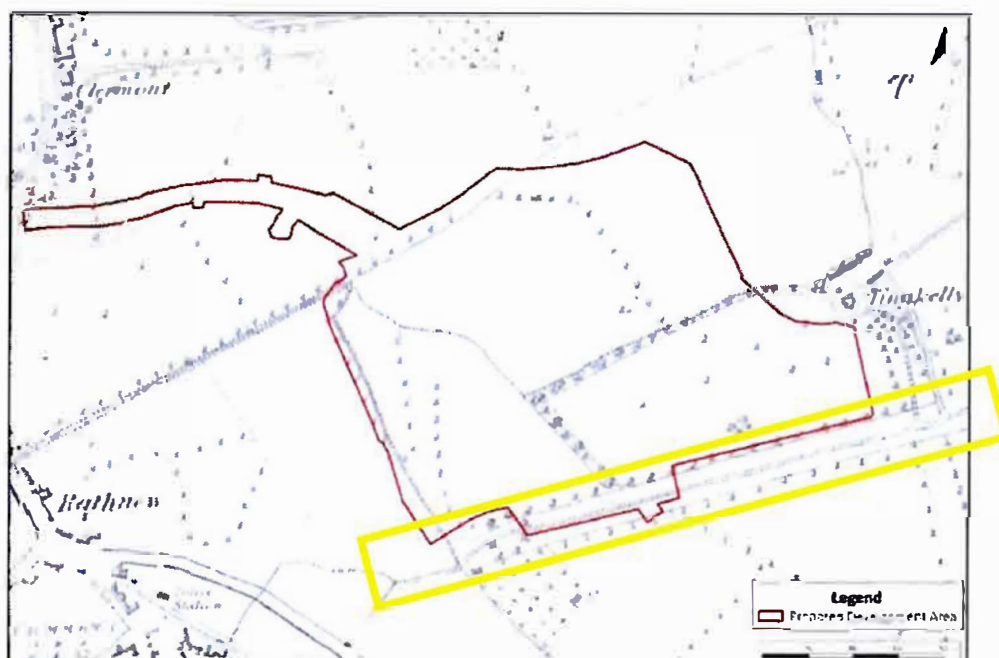


Figure 12.5 – Extract from the first edition OS map of 1840 showing the proposed development area

We have highlighted Tinakilly Avenue inside the yellow box. It is evident from the 1840 OS Map that the Avenue is the historic access route to Tinakilly House and thus the Board is invited to agree that it is within the historic curtilage of the protected structure.

The proposed development includes a number of provisions that would directly impact on Tinakilly Avenue that in turn would have a detrimental impact on the setting of Tinakilly House. These includes severing the historic avenue with the Rathnew Inner Relief Road (RIRR), widening of the avenue and the formation of a T-junction with the RIRR, the provision of automated bollards, the erection of black estate railing (per condition no. 21 of the Council's decision), and the change of use of part of the avenue to communal open space to serve some of the proposed duplex apartments.

The proposal would fundamentally and permanently alter the historic character of Tinakilly Avenue and the overall setting of the protected structure that, if approved, would be approached through a substantial housing estate via the RIRR as opposed to along the historic intact avenue to the protected structure. The EIAR has failed to even consider the potential impact on the architectural heritage instead only assessing archaeology and cultural heritage. As a result, it is submitted that the EIAR is flawed because it has not assessed one of the aspects of the environment that the applicant is obliged to consider. As presented in the planning application and the revision in the further information response, the proposed development would have a profound negative impact on architectural heritage and should be refused on that basis.

Planning Conditions

Strictly without prejudice to our client's position that planning permission is refused for the reasons set out above, in the event the Board decides to grant permission, it is requested to attach the following conditions:

1. Prior to the commencement of development, the applicant shall submit to the planning authority for its written agreement, a revised site layout plan that omits all proposed works within Tinakilly Avenue i.e. no works are approved within Tinakilly Avenue.
2. No construction traffic whatsoever shall use Tinakilly Avenue as a means of access during the construction phase of the proposed development. All construction related traffic shall only access the site at the north west corner of the application site.

Please acknowledge receipt of this appeal and direct all future correspondence to this office.

Regards,



Raymond O'Malley

Kiaran O'Malley & Co. Ltd.

ROM: rom

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|------------|---|
| Enclosures | <ol style="list-style-type: none">1. A cheque for € 220 payable to An Bord Pleanála2. A copy of our client's receipt for submission3. A copy of the local authority decision4. Original folios WW15605F and WW22229F5. Copy of folio WW38002F plus screengrab map |
|------------|---|



Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Building
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Fais / Fax: (0404) 69462
Rphost / Email: plande@wicl-lowco.ie
Suíomh / Website: www.wicklow.ie

11/09/2023

Eileen M Howell
Rathkilly Lodge
Tinakilly
Rathnew
Co. Wicklow

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE THAT WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME Wicklow County Council

PLANNING APPLICATION REFERENCE No.2360219

A submission/observation in writing, has been received from
Eileen M Howell on 11/09/2023 in relation to the above planning application.

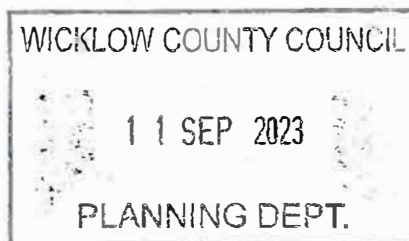
The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/ observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended) and will be taken into account by the planning authority in its determination of the planning application.

**SENIOR EXECUTIVE OFFICER
PLANNING, DEVELOPMENT AND ENVIRONMENT**

Date 11/09/2023

Planning Authority Stamp



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

Ba chóir gach comhthreagras a sheoladh chuig an Stiúrthóir Seirbhísi, Forbairt Pleanála agus Comhshaol
All correspondence should be addressed to the Director of Services, Planning Development & Environment





Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

PLANNING & DEVELOPMENT ACTS 2000 (as amended)

NOTIFICATION OF DECISION TO GRANT

Keldrum Limited
C/O Brock McClure Brock McClure
63 York Road
Dun Laoghaire
Co. Dublin
A96 T0H4

Planning Register Number: 23/60219
Valid Application Received: 14/08/2023
Further Information Received Date: 30/11/2023

In pursuance of the powers conferred upon them by the above-mentioned Act, Wicklow County Council has by Order dated 02/02/2024 decided to GRANT PERMISSION for development of land, namely:-

LARGE SCALE RESIDENTIAL DEVELOPMENT - (a) Construction of 352 no. residential units (b) The proposed development will connect to the Tinakilly Park residential development and Rathnew Village via a new section of the Rathnew Inner Relief Road. The proposed road will join the constructed/under construction elements permitted under WCC Ref. 17/219/ ABP Ref. PL27.301261 and amended under WCC Ref. 22/837 to the south with a section of the link road to the northwest of the site at the R761 roundabout in Rathnew granted under WCC Ref. 21/1333. This includes all associated vehicular and pedestrian access, carriageways, paths and junctions. (c) No proposed works to Tinakilly Country House Hotel (a protected structure Reference No. 25-15) save for works to close the western portion of Tinakilly Avenue to vehicular traffic and the provision of a new vehicular entrance and gates along the eastern portion of Tinakilly Avenue off the Rathnew Inner Relief Road to facilitate access to Tinakilly House and other properties to the east of the site accessed from Tinakilly Avenue. (d) All associated site development works, service provision, infrastructural and drainage works, provision of esb substations, bin stores, bicycle stores, car parking, public lighting, landscaping, open space, and boundary treatment works. (e) The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement. The application site is generally bounded to the north by greenfield lands, to the east by Tinakilly Country House Hotel (which is a Protected Structure RPS No. 25-15), to the west/southwest by commercial development, the R750 Wicklow – Rathnew Road and Rathnew Village; and to the south by the Tinakilly Park residential development currently under construction. at Site of c.16.8ha, at Tinakilly, Rathnew, Co. Wicklow

*Tá an doiciméad seo ar fáil i bhformáid eile ar iarratas
this document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhíse, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.



Subject to the 28 conditions set out in the attached schedule.

An appeal against this decision may be made to An Bord Pleanála within the prescribed period - see footnote.

Signed on behalf of Wicklow County Council.



Date: 02/02/2024

**SENIOR EXECUTIVE OFFICER
PLANNING, DEVELOPMENT AND ENVIRONMENT**

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Reference Number in Register: 23/60219

SCHEDULE

Having regard to the design of the development, the zoning objective for the site, the emerging pattern of development in the area and the objectives and standards of the Wicklow County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would not seriously injure the residential amenities of the adjoining properties or the visual amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would therefore be in accordance with the proper planning and sustainable development of the area.

1. This permission refers to the development as described in the documents lodged on the 14/08/2023, and as revised by the documents and drawings submitted on the 30/11/2023, save as the conditions hereunder require.

REASON: For clarification and to ensure that the development shall be in accordance with the permission.

2. Prior to the commencement of development, the developer shall pay the sum of €3,106,406 (three million, one hundred and six thousand, four hundred and six euro) to the Planning Authority as a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.


The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

3. Before the commencement of development, the developer shall pay the sum of €1,936,000 (one million, and nine hundred and thirty six thousand euro) to the Planning Authority as a contribution in respect of the Construction of the Wicklow Port Access and Town Relief Road benefiting development in the area of the Planning Authority.

The contribution sought is in accordance with Wicklow County Council's Supplementary Development Contribution Scheme and Section 49(1) of the Planning and Development Acts 2000.



Where the contribution remains unpaid the monies payable shall be increased in accordance with increases in the Consumer Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the development should contribute towards the cost thereof.

4. No development shall be commenced until cash security for the provision of and satisfactory completion of open space, roads, footpaths, storm water sewers, public lighting, other public facilities, including maintenance until taken in charge by Wicklow County Council, and the satisfactory compliance with the conditions of this permission, has been given. This cash security is required by the Council for application at its absolute discretion if such facilities are not duly provided to its satisfaction. The cash security shall be given by:-

Lodgement with the Council of the sum of €4,275,000. (four million, two hundred and seventy five thousand euro). If development has not commenced within one calendar year from the date of the grant of this permission, or if it remains incomplete within three years of the commencement of development, the Council may at its discretion require an increase in the amount of the security in line with the Wholesale Price Index - Building & Construction (Capital Goods) published by the Central Statistics Office or the cost of completing the outstanding works, whichever is the greater.

Where the developer proposes in writing to the Planning Authority to carry out the proposed development in phases, a reduced cash security will be computed by the Planning Authority proportionate to the development works required to make each phase viable.

This cash security can be partially rolled from one phase to another depending on the Planning Authority's assessment of the works outstanding in each phase and where the storm water sewers, public lighting, roads, footpaths and open spaces, required to facilitate the houses constructed in that phase, have been completed to an appropriate standard.

All relevant information to show compliance with the appropriate standards (e.g. Engineers Certification, CCTV of storm water sewers, RECI Certs etc.) should be submitted to the Planning Authority in advance of any request to roll the cash security from a particular phase to another phase of the development.

The return, of the cash security shall be subject to, inter alia, the report of an independent chartered engineer (with professional indemnity insurance) confirming that all materials and workmanship of the site infrastructure is in accordance with the plans and specifications submitted.

REASON: To ensure (a) satisfactory completion of the site development works, (b) that the security is adequate to cover the cost of recuperative works, (c) that the security is index linked, in the interests of residential amenity and the proper management of roads and services.



5. (a) The first occupation of any dwelling/residential unit shall be by individual purchasers or by those eligible for the occupation of social and/or affordable housing, including cost rental housing, and shall not be by a corporate entity.

(b) No occupation of any dwelling shall occur until confirmation from a solicitor with professional indemnity insurance has been submitted to and agreed in writing by the Planning Authority confirming that the dwellings have been sold in accordance with this condition.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

6. No development shall commence until contributions/submission/agreements required by conditions 2, 3, 4, 7, 8, 9, 11, 13, 15 (c), 17, 21, 25, and 27 have been submitted to and agreed acceptable in writing by the Planning Authority. All of the details required to be submitted for agreement by these conditions shall be submitted as a single compliance package where possible.

REASON: In the interests of proper planning and development and clarification.

7. (a) Prior to the commencement of development, a final full and detailed construction management plan shall be submitted to and agreed in writing with the Planning Authority, which shall include, inter alia, a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures (including details of a truck wheel wash at the site entrance), details of silt fence locations, siltation ponds, bunded storage areas and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the various sections of the Council. CMP
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(b) The mitigation measures described in the Natura Impact Statement submitted to protect surface water quality, the spread of non-native invasive species and the protection of otters during the construction phase and the operational phase of the proposed development shall be fully incorporated into the final CEMP and followed accordingly.

(c) Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

REASON: In the interest of residential amenity, traffic/pedestrian safety, the protection of adjoining watercourses, the control of surface water run-off, the prevention of pollution and proper planning and sustainable development.

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8. Prior to the commencement of development a suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. The ecologist shall ensure the implementation of all proposals contained in the Natura Impact Assessment are incorporated into the final CEMP and fully adhered to on site. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the Planning Authority to be kept on record.

REASON: In the interest of nature conservation

9. Prior to the commencement of development, the applicant or any other person with an interest in the land to which the application relates shall enter into an agreement with the Planning Authority in accordance with the County Development Plan and in accordance with Section 96 of the Planning & Development Act 2000, as amended.

REASON: In the interest of proper planning and development, and having regard to the objectives of the County Development Plan and the Housing Strategy.

10. (a) Prior to commencement of development, the written agreement of Irish Water shall be obtained for the provision of water services necessary to serve the proposed development.

(b) The granting of this permission by Wicklow County Council is in its role as a Planning Authority. It does not commit Wicklow County Council to the provision of any water services to serve the proposed development. Details of connections and the specification of materials to be used for the water services are a matter for Irish Water.

REASON: In the interests of clarification and proper planning and development.

11. Prior to commencement of development a detailed phasing programme for the development shall be submitted to and agreed in writing with the Planning Authority. The phasing programme shall be in accordance with the submitted phasing plan, as detailed on the Phasing Diagram submitted on the 14/08/2023, as modified to comply with the following requirements, unless otherwise agreed in writing with the Planning Authority.

(a) No subsequent phase shall commence until the preceding phase has been completed to the written satisfaction of the Planning Authority

(b) The construction of public open spaces, estate road and footpaths, and landscaping (including a timeframe for carrying out of planting and hard landscaping), shall be in tandem with the construction and occupation of the dwellings on site.

(c) The crèche permitted under PRR19/853 shall be completed and operational prior to the occupation of any dwelling units.

(d) Phases 2- 5 inclusive of the proposed residential development shall not commence, and the 108th dwelling of Phase 1 of the proposed residential development shall not be occupied until the full completion and opening of the proposed Inner Relief Road.

ASL

11(d)

(e) The development of Phases 3-5 inclusive of the proposed residential development shall not commence until the full completion of the Active Open Space and the riverine park proposed as part of the proposed development and as permitted under plan ref. 22/837.

(f) The portion of Tinakilly proposed to be pedestrianised as part of the proposed development shall be fully completed on the full completion and opening of the Inner Relief Road.

REASON: In the interests of proper planning and development and to ensure the road network and public open space provision is adequate to serve the occupied development.

12. The provisions of Section 34(4) (m) of the Planning and Development Act 2000 (as amended) shall apply to the construction by the developer of the proposed Inner Relief Road.

REASON: In the interest of traffic safety and the equitable appointment of the cost of the proposed road link from the R763 to the R764 together with the associated junctions

13. Prior to the commencement of development the applicant shall submit for the written approval of the Planning Authority final design details of the proposed Inner Relief Road, internal access roads, the entrances to the development from the Inner Relief Road and all associated footpaths and cycle paths/tracks. The design details shall comply with the requirements of DMURS, the Traffic Signs Manual, the Cycle Design Manual and the Road Authority.

REASON: In the interest of traffic and pedestrian safety.

14. (a) On street car parking spaces associated with individual houses shall be EV ready with ducting and cabling installed.

(b) EV charging points shall be provided in accordance with the Parking Allocation plan prepared by CS Consulting Group and as submitted on the 14/08/2023, unless otherwise agreed in writing with the Planning Authority.

REASON: To allow these on street car parking spaces to be easily converted to EV parking if required at a future date and in the interest of the proper planning and sustainable development of the area.

15. The housing estate roads and footpaths shall be constructed in accordance with specifications of Section 2 of "Recommendations for Site Development Works for Housing Areas" (Department of the Environment and Local Government 1998), subject to the following amendments/ submissions :-

(a) All trees planted on grassed margins of roads or within 15m of the apex of all road junctions shall be of a variety which will be clean stemmed to a height of 2.1m above ground level at time of planting and when fully grown. These shall be mountain ash, whitebeam or hornbeam unless otherwise agreed in writing by the Planning Authority. Street trees shall be planted at not less than 10m centres.

(b) Roads shall be kerbed on both sides.

(c) Before any development commences, the results of CBR tests and the exact specification of the road shall be submitted to and agreed acceptable in writing by the Planning Authority.

(d) The developer shall arrange to have the road construction materials tested at his own expense, at a reputable laboratory. The results of such testing shall be available for inspection if and when requested by the County Council.

REASON: In order to ensure a satisfactory standard of development in the interests of amenity and traffic safety.

16. Prior occupation of each phase of the development, a Stage 3 Road Safety Audit, including a Final Audit Report, for the proposed development together with associated junctions, prepared in accordance with the TII's standards', shall be submitted. Where the audit identifies the need for design changes revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out all necessary works in accordance with the agreed revised design. The details shall accord with the requirements of the Roads Authority.

REASON: In the interest of traffic safety and in the interest of the proper planning and sustainable development of the area.

17. Prior to commencement of development, the final public lighting design and layout, for the overall development including all roads infrastructure and public open spaces, shall be submitted to and agreed in writing with the Planning Authority. The design and layout shall comply with the document Guidance for Public Lighting Works for Developers: Wicklow County Council: 2017 and the requirements of the Road Authority.

REASON: In the interest of residential amenity, safety and proper construction.

18. The storm water drainage system shall accord with the details submitted and shall comply with the requirements of the 'Greater Dublin Strategic Drainage Study' and the Ciria SuDS Manual C753 for interception storage.

REASON: To ensure satisfactory storm water drainage in the interest of proper planning and development.

19. (a) The hard and soft landscaping, including the play areas, exercise areas, pathways and seating areas shall be carried out in accordance with the Landscaping Design statement and landscaping drawings prepared by Murphy –Sheanon, and as revised on the drawings submitted on the 30/11/2023 unless otherwise agreed with the Planning Authority.

(b) The landscaping and tree planting shall be carried out before or during the first planning season or part thereof occurring after the commencement of development. Any plants which become seriously damaged shall be replaced by others of similar size and species.

(c) Trees and hedges planted in the public realm of the development shall consist of native species only.

(d) The estate railings used throughout the development shall be black.

REASON: In the interests of visual amenity, residential amenity and proper planning and development.

20. The boundary treatments shall accord with the details of the Boundary Plan prepared by Murphy-Sheanon, as revised on the drawings submitted on the 30/11/2023, unless other forms of boundary treatments are agreed in writing with the Planning Authority. Privacy walls shall be provided, 2m in height, cement rendered and capped, and shall extend 4m along the dividing boundary from the rear building line of all terraced and semi-detached dwellings.

REASON: In the interests of safety, security, visual amenity, residential amenity and privacy.

21. Prior to the commencement of development and for the written agreement of the Planning Authority a site layout plan of the western pedestrianised section of Tinakilly Avenue showing the erection of black estate railings either side of the proposed bollards on Tinakilly Avenue shall be submitted. The development shall accord with the agreed plan.

REASON: To prevent unauthorised entry of vehicles into the pedestrianised area of Tinakilly Avenue and in the interests of safety and amenity.

22. All private rear gardens shall be suitably graded so that they are fully usable.

REASON: In the interest of residential amenity.

23. (a) All open space shall be levelled, drained, cultivated, and topsoiled as necessary to provide a minimum of 200mm depth of vegetative soil and shall be consistent with the levels of all adjoining roads. Planting with trees and shrubs appropriate to the area shall be carried out and the remaining areas shall be sown with grass seed to give a uniform pastureland condition. In areas of steep embankments, dense ground cover shrubs shall be established to be protected by temporary fencing until the growth is established.

(b) Open space areas shall be dedicated to the use of the residents. The maintenance of the open space shall be the responsibility of the developer until one year after the completion of all houses in the entire development and until the grassed areas and ground cover shrubs are firmly established. The developer shall enter into a licence in a form similar to that set out on the following page. The developer shall submit in triplicate the following:

- i. Deed of dedication, signed and sealed,
- ii. O.S. map with open space outlined
- iii. Copy of scheme plan as registered in Land Registry with open space outlined

COUNTY WICKLOW FOLIO _____

A grant dated the day of 20.

A.B. the registered owner of the property described in Folio _____ of the County Wicklow hereby irrevocably grants to all the residents of _____ Estate, their heirs and assigns in respect of that portion of the Folio _____ County Wicklow where shown on the map annexed hereto and thereon outlined in red full right, liberty and permission at all times to use the said lands for recreational and amenity purposes, AND _____ hereby assents to the intent that the said right should be enforceable by any of the said residents, their heirs and assigns, the Local Authority or the Planning Authority for the area.

Signed, sealed and delivered by

In the presence of: - Dated:

REASON: To ensure that the amenity open space shall be left in a satisfactory and useful condition on completion of the development and will be available for amenity and recreational purposes to the residents of the estate.

24. (a) Estate and street names and numbering system shall be agreed with the Planning Authority in writing before the occupation of the first dwelling.

(b) House numbers shall be erected/installed at the driveway entrance to each house, so that they are clearly visible to visitors.

(c) Name and/or house number plates shall be erected by the developer on each road in the estate. The design and contents of the nameplates shall be agreed with the Planning Authority.

REASON: In the interests of proper planning and development and residential amenity.

25. Prior to the commencement of development, the final details of the external finishes to the proposed dwellings shall be submitted for the written agreement of the Planning Authority.

REASON: In the interest of visual and residential amenity.

26. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

REASON: In the interests of visual and residential amenity.




27. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. Prior to commencement of development the developer shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930 – 1994) to monitor all topsoil stripping associated with the development. Where archaeological material is found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision on the best approach to deal with the archaeology. The developer shall be prepared to be advised by the Department of Environment, Heritage and Local Government with regard to the necessary mitigation action. The operator shall facilitate the archaeologist in recording any material found.

REASON: To ensure the continued preservation (either in-situ or by record) of places, caves, sites features or other objects of archaeological interest, in the interest of proper planning and sustainable development.

28. At the completion of the development, or each sector thereof, and prior to the taking in charge of the estate, as constructed drawings of the development, to the requirements of paragraph 1.9 of Recommendations for Site Development Works in Housing Areas (Department of the Environment and Local Government, 1998) at a scale of 1/500 or larger shall be supplied to the Council on computer diskette and shall be in a "DXF" format or other format agreeable to the Planning Authority and shall not be scanned images. They shall show the as constructed position of each site, house, road, watermain (including the location of sluice valves, scour valves, air valves and hydrants), foul and surface water sewers (including gullies, and invert levels of manholes to ordnance datum) and all pipe sizes and they shall show the Irish National Grid co-ordinates of the four corners of the drawing and shall be relative to the Irish National Grid.

REASON: In the interests of the proper management and maintenance of the roads and services.



Footnote:

An appeal against a decision of a Planning Authority under the Planning and Development Act 2000 (as amended) may be made to An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902. (Tel. (01) 8588100) during office hours.

1. You have four weeks beginning on the date the planning authority makes its decision. This is a strict time limit.
2. You must put your appeal in writing (either typed or handwritten).
3. You must clearly state your own name and address. If someone is acting for you, like a planning agent they must clearly state their own name and address as well as your name and address.
4. You must give enough details to allow An Bord Pleanála to identify the application you wish to appeal.
5. You must provide your planning grounds of appeal (reasons and arguments) for your appeal and any items you wish to support your grounds of appeal.
6. If you are a third party, you must include the written acknowledgement given to you by the planning authority to confirm it received your submission at planning application stage.
7. You must pay the correct fee <https://www.pleanala.ie/en-ie/fees>

For more information on how to make an appeal see www.pleanala.ie



The Property Registration Authority An tÚdarás Clárúcháin Maoine

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

GRAINNE DONNELLY & CO., SOLICITORS
DX 49001
NAAS

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

Folio Number: WW15605F
Application Number: P2014LR029522D
Your Reference: GD E Howell

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: WW15605F
Date Printed: 23/05/2014

Application Number: P2014LR029522D
Page 1 of 8

Land Registry

County Wicklow

Folio 15605F

Register of Ownership of Freehold Land

Part 1(A) - The Property

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

No.	For parts transferred see Part 1(B) Description	Official Notes
1	A plot of ground being part of the Townland of TINAKELLY and Barony of NEWCASTLE containing 13.9920 Hectares shown as Plan(s) A16W7, 72 edged RED on the Registry Map (OS MAP Ref(s) 25/6, 7). The Registration does not extend to the mines and minerals	From Folio WW1058F
2	A plot of ground being part of the Townland of TINAKELLY and Barony of NEWCASTLE containing .4610 Hectares shown as Plan(s) 82 edged RED on the Registry Map (OS MAP Ref(s) 25/6).	From Folio WW10404F
3	A plot of ground being part of the Townland of TINAKELLY and Barony of NEWCASTLE containing .0520 Hectares shown as Plan(s) 9 edged RED on the Registry Map (OS MAP Ref(s) 25/6). The Registration does not extend to the mines and minerals	From Folio WW11237
4	A plot of ground being part of the Townland of TINAKELLY and Barony of NEWCASTLE containing .0530 Hectares shown as Plan(s) 88 edged RED on the Registry Map (OS MAP Ref(s) 25/6).	From Folio WW68

- 1
- There is appurtenant to the property no. 2 a right of way with horses, cars and cattle across the railway at the level crossing shown lettered K on the Registry Maps.
- The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

Land Cert Issued: No

Page 1 of 6

Collection No.:

Date Printed: 23/05/2014

Page 2 of 8

Land Registry**County Wicklow****Folio 15605F**

- 2 There is appurtenant to the property nos. 1 and 2 a right to pass and repass at all times by day and night on foot and with or without vehicles for all purposes over part of the Townland of Tinakelly by the way shown coloured yellow on plan 8 on the Registry Map (O.S. 25/6).
- 3 There is appurtenant to the property a right of way specified in Instrument no. D96KW04159T over the property comprised in Folio 68 by the way shown coloured yellow and lettered C-C1, X-X1, B2-D on plan 68 thereof on the Registry Map (O.S. 25/6, 7, 10).
- The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

Land Registry**County Wicklow****Folio 15605F****Part 1(B) - Property
Parts Transferred**

No.	Prop No:	Instrument:	Date:	Area (Hectares) :	Plan:	Folio No:
1	1	D2000KW013089D	24-NOV-2000		A16VN	WW22229F

Land Registry

County Wicklow

Folio 15605F

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 06-JAN-1997 Aidan Morris (Company Director) of Rathkilly Lodge, Rathnew,
D97KW00042C County Wicklow, and Brenda Dodd (Company Director) of
Rathkilly Lodge, Rathnew, County Wicklow are full owners.~~

Cancelled

D2008KW009156K

08-MAY-2008

2 08-MAY-2008 EILEEN HOWELL of Rathkilly Lodge, Rathnew, County Wicklow is
D2008KW009156K full owner.

~~1 24-NOV-2000 No Dealing by the registered owners affecting the part of the
D2008KW013090V property shown as Plan A16W7 is to be registered except after
notice to Leonard Donnelly of Kanes Cottage, Nuns Cross,
Ashford, County Wicklow~~

Cancelled

D2008KW009156K

08-MAY-2008

Land Registry

County Wicklow

Folio 15605F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property nos. 1 and 2 are 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>Cancelled D2008KW009156K 08-MAY-2008</p>
2	<p>The property no. 3 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>Cancelled D2008KW009156K 08-MAY-2008</p>
3	<p>The property no. 4 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>Cancelled D2008KW009156K 08-MAY-2008</p>
4	<p>The property is subject to a Land Purchase Annuity.</p> <p>Cancelled D2000KW013089D 24-NOV-2000</p>
5	<p>L.R.26937 The property nos. 1 and 3 are subject to the fishing rights and fisheries (if any) reserved by Section 45 of the Land Act, 1923, as amended by Section 3 of the Land Act, 1929.</p>
6	<p>L.R.26937 The property no. 1 is subject to the right of access for Ethel Halpin, Belle Louise Halpin and James Alexander Dunning their heirs and assigns for the purpose of repairing and maintaining</p>

Land Registry

County Wicklow

Folio 15605F

the pipe line coloured blue and the reservoir tank and ram lettered respectively A, B and C on the Registry Map thereof.

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

7 14-MAY-1962
1485-5-62 The property no. 1 and 2 is subject to the covenant by Kelson Limited the registered owner of Folio 68 to maintain and keep the portion of the Avenue referred to in Instrument no. 1485-5-62 between the points shown lettered C-C1-X-B-B1-B2-D-E on the plan thereof on the Registry Map.

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

8 ~~06-JAN-1997~~
~~D97KW00042C~~ ~~Charge for present and future advances stamped to cover £175,000 repayable with interest.~~
~~EBS Building society is owner of this charge.~~
~~Certificate of Charge issued. Rule 156~~

Cancelled

D2008KW009156K

08-MAY-2008

730100 mE, 696350 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: WW15605F

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.

1:2500 Scale



729300 mE, 695700 mN

Date Printed: 23/05/2014

Creation Date: 23 May 2014 15:05:45

Application Number: P2014LR029522D



The Property Registration Authority
An tÚdarás Clárúcháin Maoine

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

GRAINNE DONNELLY & CO., SOLICITORS
DX 49001
NAAS

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

Folio Number: WW22229F
Application Number: P2014LR029521C
Your Reference: GD E Howell

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

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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).
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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.

Land Registry

County Wicklow

Folio 22229F

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>For parts transferred see Part 1(B)</p> <p>A plot of ground being part of the Townland of TINAKELLY and Barony of NEWCASTLE shown as Plan(s) A16VN edged RED on the Registry Map (OS MAP Ref(s) 25/6, 7).</p> <p>The Registration does not extend to the mines and minerals</p>	From Folio WW15605F
1	<p>There is appurtenant to the property a right to pass and repass at all times by day and night on foot and with or without vehicles for all purposes over part of the Townland of Tinakelly by the way shown coloured yellow on plan 8 on the Registry Map (O.S. 25/6).</p>	

Land Cert Issued: No

Page 1 of 5

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Date Printed: 23/05/2014

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Land Registry**County Wicklow****Folio 22229F**

- 2 08-JUL-2008 There is appurtenant to the property a right of way specified in
D2000KW013089D Instrument no. D96KW04159T over the property comprised in Folio 68
D2003KW003070T by the way shown coloured yellow and lettered C-C1, X-X1, B2-D on
plan 68 thereof on the Registry Map (O.S. 25/6, 7, 10).
- Note: Entered on 8/7/08 by Registry Amendment See Inst Nos
D2000KW013089D & D2003KW003070T.
- The description of the land affected by the above right is as
set out on the Registry Map. In the event that the above entry
includes lettering or other alpha numeric references as part of
the description of the subject lands, where such lettering or
alpha numeric references are not now shown on the Registry Map,
the description on the Registry Map prevails and is deemed to be
the description of the affected property for the purposes of the
Registration of Deeds and Title Acts 1964 and 2006.

Land Registry

County Wicklow

Folio 22229F

Part 1(B) - Property
Parts Transferred

Land Registry

County Wicklow

Folio 22229F

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	06-JAN-1997 D2000KW013089D D1997KW000042G	AIDAN MORRIS of Rathkilly Lodge, Rathnew, County Wicklow and BRENDA DODD of Rathkilly Lodge, Rathnew, County Wicklow are full owners.	Cancelled D2008KW009156K 08-MAY-2008
2	08-MAY-2008 D2008KW009156K	EILEEN HOWELL of Rathkilly Lodge, Rathnew, County Wicklow is full owner.	

Land Registry

County Wicklow

Folio 22229F

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>Cancelled D2008KW009156K 08-MAY-2008</p>
2	<p>L.R.26937</p> <p>The property is subject to the fishing rights and fisheries (if any) reserved by Section 45 of the Land Act, 1923, as amended by Section 3 of the Land Act, 1929.</p>
3	<p>24-NOV-2000 D2000KW013089D</p> <p>Charge for £250,000 payable as specified in Instrument no. D2000KW013089D. Leonard Donnelly of Kane Cottage, Nuns Cross, Ashford, County Wicklow is owner of this charge.</p> <p>Cancelled D2008KW009156K 08-MAY-2008</p>

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: WW22229F

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

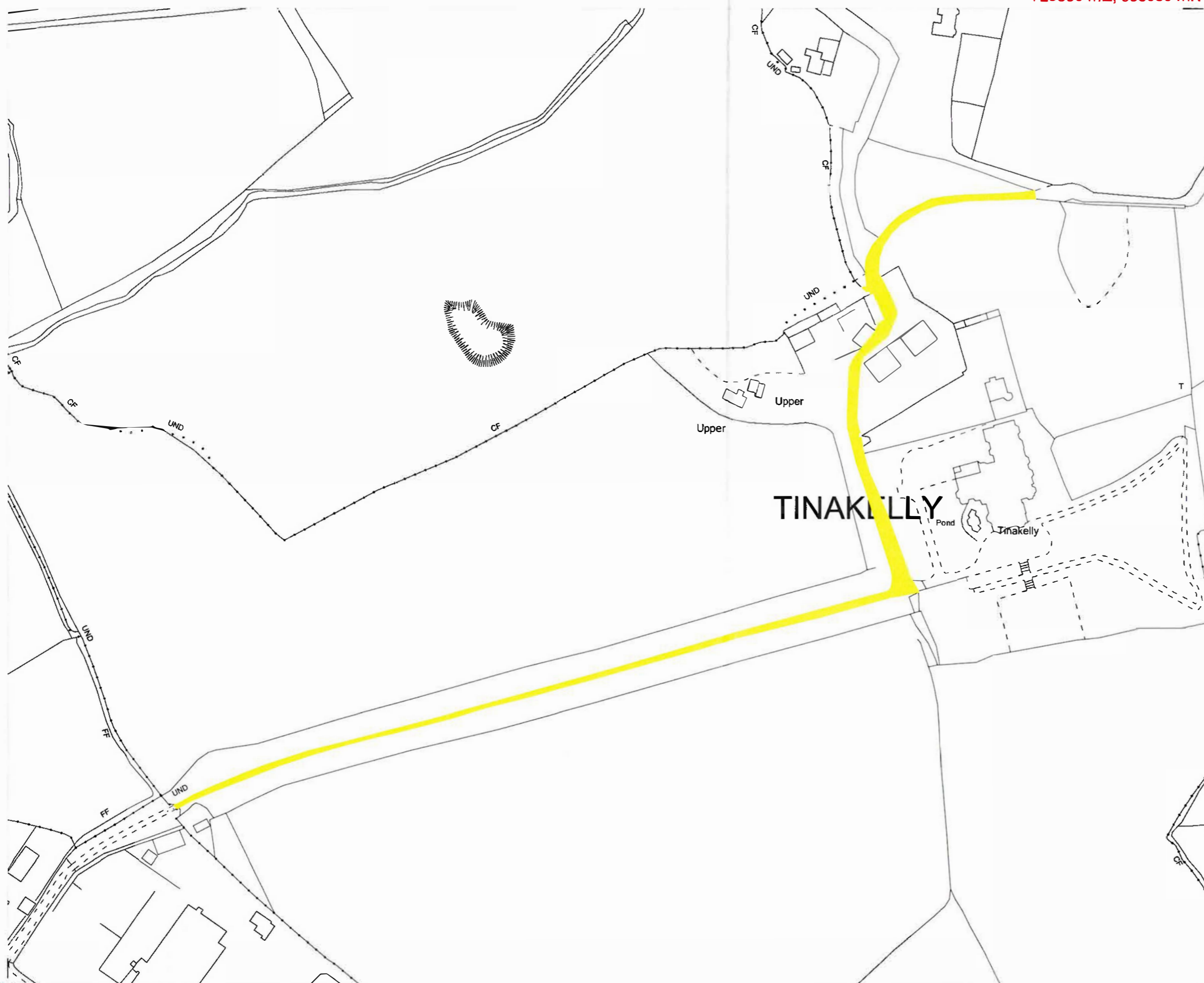
Burdens (may not all be represented on map)

- 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.



The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: WW22229F

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

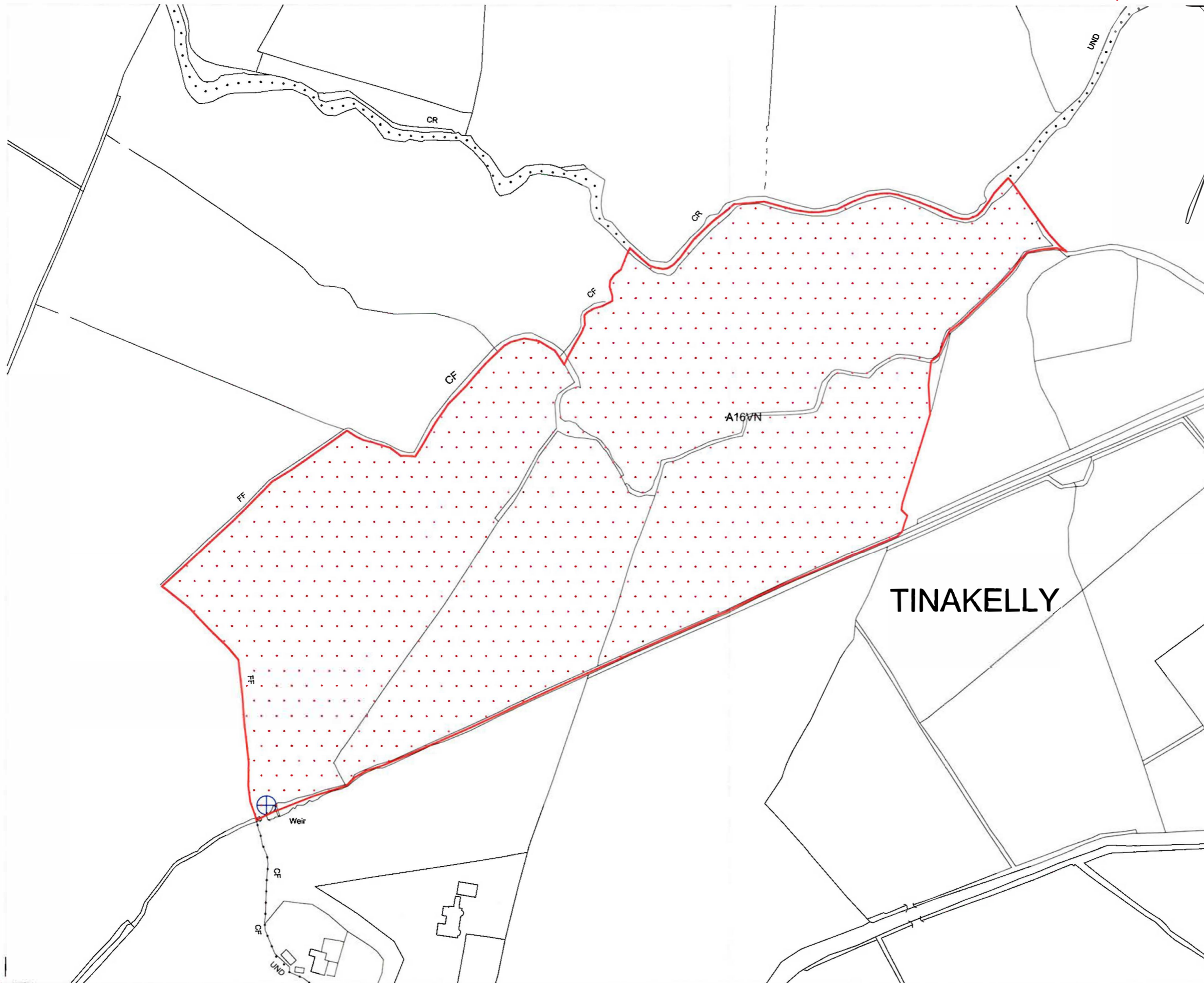
- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit



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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.

1:2500 Scale



Land Registry

County Wicklow

Folio 38002F

Register of Ownership of Freehold Land

Part 1(A) - The Property

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

No.	For parts transferred see Part 1(B) Description	Official Notes
1	<p>The property shown coloured Red as plan(s) C8YJ7 on the Registry Map, situate in the Townland of TINAKELLY, in the Barony of NEWCASTLE, in the Electoral Division of WICKLOW RURAL.</p> <p>The Registration does not extend to the mines and minerals</p>	From Folio WW26741F

Land Registry

County Wicklow

Folio 38002F

1

D2004KW002071A

There is appurtenant to the property a right of way for the owner hereinafter named his heirs and assigns and his and their tenants of the said lands with horses cars cattle to cross the Railway at the level crossing at the point shown blue (on the plan 2 in Folio WW37208F) on the Land Registry Maps.

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.
Entry revised, 09/03/2016, See Instrument Q2015LR018702X.

Land Registry

County Wicklow

Folio 38002F

Part 1(B) - Property

Parts Transferred

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

Land Registry

County Wicklow

Folio 38002F

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	20-FEB-2014 POINTSETTER LIMITED of C/o William Fry Solicitors, Fitzwilton House, Wilton Place, Dublin 2 is full owner. D2014LR017799B

Land Registry

County Wicklow

Folio 38002F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>D2004KW002071A The property is subject to the existing rights of all persons in respect of the water of Broadlough which form the Northern and Eastern boundaries of the lands No.1.</p>
2	<p>14-MAY-1962 Covenant by Kelson Limited the original registered owner of the D2004KW002071A property herein to maintain and keep the portion of the Avenue 1484-5-62 referred to in Instrument 1485-5-62 , over the area coloured B2104/88 yellow on the plan C8YJ7 thereof on the Registry Map. D93KW01638E NOTE: This burdens is registered also on Folios WW10701, WW2866F, WW10401F, WW68 and WW10405F. Amended Rule 7 - See Q2013LR008902B Entry revised, Rule 7(1), 09/03/2016, See Instrument Q2015LR018702X.</p>
3	<p>17-DEC-1974 Full right and liberty for Ian Arthur Findlay and Angela D2004KW002071A Kathleen Taylor Mc Clelland Findlay the registered owners of P3212/74 Folio WW1058F County Wicklow their and each of their heirs, executors, administrators, mortgages and assigns their servants and agents licencees and invitees on foot and with or without animals or vehicles at all times and for all purposes to pass and repass over the property herein by the way shown coloured yellow on plan No. C8YJ7 of the Registry Map thereof (O.S. 25/6, 25/10). See Instruments No. B28/85, B2104/88 D93KW01638E, D94KW05314J, D96KW04159T. Entry revised, Rule 7(1), 09/03/2016, See Instrument Q2015LR018702X.</p>
4	<p>02-DEC-1980 The right of Dermot Garland and Anne Garland the registered D2004KW002071A owners of Folio WW4907F County Wicklow their executors, B5395/80 administrators, heirs and assigns their servants, agents, invitees and licencees on foot or with horses, carts and other vehicles at all times and for all purposes to pass and repass over the property by the way shown coloured yellow on plan No.</p>

Land Registry

County Wicklow

Folio 38002F

C8YJ7, thereof on the Registry Map (O.S. 25/6, 25/10).

See Instrument No. B2104/88.

Entry revised, Rule 7(1), 09/03/2016, See Instrument Q2015LR018702X.

5

01-DEC-1988
D2004KW002071A
B4964/88

A right of way for the Wicklow Corn Company Limited the registered owner of folio WW10405F for all purposes along the part of the property shown coloured yellow on plan C8YJ7 (O.S. 25/10).

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

Entry revised, Rule 7(1), 09/03/2016, See Instrument Q2015LR018702X.

6

28-JAN-1991
D2004KW002071A
B832/91

The right of William Power and Rose Ann Power the registered owners of the property comprised in Folio WW11968F their and each of their heirs executors administrators mortgagees assigns their servants agents licencees and invitees on foot and with or without vehicles or animals and at all times to pass and repass over the property herein by the way shown coloured yellow on plan No.C8YJ7, thereof (O.S. 25/6, 25/10).

Land Registry

County Wicklow

Folio 38002F

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

Entry revised Rule 7(1), 09/03/2016, See Instrument Q2015LR018702X.

7 12-DEC-1989
D2004KW002071A
B779/90

The right of William Power and Rose Ann Power the registered owners of the property comprised in Folio WW11968F to pass and repass for all purposes over the way shown coloured yellow on plan C8YJ7 herein (O.S. 25/6).

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

Entry revised Rule 7(1), 09/03/2016, See Instrument Q2015LR018702X.

8 03-MAR-1993
D2004KW002071A
D93KW01638E

Full right and liberty for David Patrick Crawford the registered owner of Folio WW15604F his heirs and assigns and his and their licensees at all times and for all purposes on foot and with or without animals or vehicles to pass and repass over the property herein by the way shown coloured yellow on plan No .C8YJ7, on the Registry Map (O.S. 25/6, 25/7).

Land Registry

County Wicklow

Folio 38002F

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

Entry revised, Rule 7(1), 09/03/2016, See Instrument Q2015LR018702X.

- | | | |
|----|--|---|
| 9 | 05-JUN-1996
D2004KW002071A
D96KW04159T | The covenant by Kelson Limited its successors in title and assigns to repair and maintain the Rights of Way at entry No. 3 as specified in Instrument No. D96KW04159T. |
| 10 | 20-FEB-2014
D2014LR017799B | The right of way and such other easements and covenant as specified in Instrument Number D2014LR017799B in favour of Covewood Properties Limited the registered owner(s) of the property comprised in folio WW32203F, their heirs, assigns and others as specified therein affecting the part of the property shown coloured yellow on Plan C8YJ7 of the Registry Map. |
| 11 | 20-FEB-2014
D2014LR017799B | The right of way and such other easements and covenant as specified in Instrument Number D2014LR017799B in favour of Crackington Limited the registered owner(s) of the property comprised in folios WW2866F, WW32356F & WW26741F, their heirs, assigns and others as specified therein affecting the part of the property shown coloured yellow on Plan C8YJ7 of the Registry Map. |



Property Details

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Folio Number	WW33002F
Title Level	Freehold
Plan Number	C817
Property Number	1
Area of selected plans	1.73 hectares
Number of Plans on this folio	1
Address	Not Available

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The following Applications are Pending on this Folio

D2017LR166573J	Mapping
D2021LR074057P	Quoted
D2021LR163726C	Mapping
D2021LR163729G	Mapping

[Go to Green Registration Boundaries and Plan](#)
 These are not conclusive. See [Planning and Building Regulations and the Land Registration Rules](#) for more information.

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