

Comhairle Contae Chill Mhantáin Ulicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

Áras An Chontae / County Buildings Cill Mhantáin / Wicklow Guthán / Tel (0404) 20148 Faics / Fax (0404) 69462 Rphost / Email. plandev@wicklowcoco ie Suíomh / Website www wicklow ie

April 2025

Sergio Rodriguez Mallada 7 Ardmore Crescent Bray Co. Wicklow A98 Y7D8

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX34/2025 – Sergio Rodrigues Mallada

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanala of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

ADMINISTRATIVE OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT





All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Sergio Rodriguez Mallada

Location: 7 Ardmore Crescent, Bray, Co. Wicklow

Reference Number: EX34/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/379

Section 5 Declaration as to whether "Installation of external insulation to a depth of 100mm and render finish to the external elevations" at 7 Ardmore Crescent, Bray, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The installation of external insulation with render finish would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- iii. The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, given the existing finishes of the dwelling and within the estate, which are dominated by render finishes, with minor areas of stone decorative features within front elevations.

Therefore both the need for Stage 2 Appropriate Assessment and EIA cannot be screened out, as it is considered that the infilling of this area may result in negative impacts on the qualifying interest of this Carrigower Bog SAC.

The Planning Authority considers that "Installation of external insulation to a depth of 100mm and render finish to the external elevations" at 7 Ardmore Crescent, Bray, Co. Wicklow, is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: A COLI MEMOCIL
ADMINISTRATIVE OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated

April 2025





WICKLOW COUNTY COUNCIL PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/379

Reference Number:

EX34/2025

Name of Applicant:

Sergio Rodriguez Mallada

Nature of Application:

Section 5 Declaration request as to whether or not: "Installation of external insulation to a depth of
100mm and render finish to the external elevations"
is or is not development and is or is not exempted

development.

Location of Subject Site:

7 Ardmore Crescent, Bray, Co. Wicklow

Report from Maria Harte, GP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "Installation of external insulation to a depth of 100mm and render finish to the external elevations" at 7 Ardmore Crescent, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

a) The details submitted with the Section 5 Declaration application

b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)

c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reason with respect to Section 5 Declaration:

- 1. The installation of external insulation with render finish would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- II. The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- III. The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, given the existing finishes of the dwelling and within the estate, which are dominated by render finishes, with minor areas of stone decorative features within front elevations.

Recommendation: The Planning Authority considers that "Installation of external insulation to a depth of 100mm and render finish to the external elevations" at 7 Ardmore Crescent, Bray, Co. Wicklow is development and is exempted development as recommended in the report by the SEP. Dated W day of April 2025

ORDER:

I HEREBY DECLARE THAT "Installation of external insulation to a depth of 100mm and render finish to the external elevations" at 7 Ardmore Crescent, Bray, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended),

Dated/5 day of April 2025

Signed: Senior Engineer

Planning, Economic & Rural Development



WICKLOW COUNTY COUNCIL PLANNING DEPARTMENT

Section 5 - Application for declaration of Exemption Certificate

Ref:

Ex 34/2025

Name:

Sergio Rodriguez Mallada.

Development:

Application for Certificate of Exemption under Section 5 of the Planning &

Development Act 2000 (as amended). RE: External Insulation

Location:

7 Ardmore Crescent, Bray, Co. Wicklow

The Site: The subject site lies within an established residential estate. The dwelling is semi-detached with a protruding garage to the front elevation. The front right elevated quadrant is finished in stone, this finish is found on many of the dwellings within the estate.



Subject site.

Question:

Whether or not:

installation of external insulation to a depth of 100mm and render finish to the external elevations constitutes exempted development within the meaning of the

Planning and Development Acts, 2000(as amended).

Planning History

(subject site): None.

Relevant Planning History

23/60512- 14 Ardmore Crescent, Bray. A98T8Y4 Permission granted for new extensions to existing dwelling comprising; a) flat roofed ground floor extension to rear and hip to gable attic conversion including new window on gable wall, b) construction of new flat roof dormer to rear and addition of 2no. rooflights to front, c) alterations to existing fenestration to front and side, d) lowering of existing site levels and partial demolition of existing shed to accommodate new extensions, e) widening of existing gate to 4m, f) alterations to existing drainage and all associated site works including repairs to existing boundary walls

Permission granted included existing stone cladding to be removed from front elevation and the wall to be possess a render finish.

Relevant Legislation:

Planning and Development Act, 2000 (as amended):

Section 2

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—
(a) where the context so admits, includes the land on, in or under which the structure is situate, and

- (b) in relation to a protected structure or proposed protected structure, includes—
 - (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,
 - (iii) any other structures lying within that curtilage and their interiors, and
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph* (i) or (iii);

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1)(a) defines development as: "The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land";

Section 2 (1) defines works as any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4 (1)(a) to (I) specifies various categories of development, which shall be exempted for the purposes of the Act;

In particular, section 4 (1) (h) is:

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4 (2) provides for certain classes of development to be designated as exempted development by way of legislation.

Planning and Development Regulations, 2001 (as amended):

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9(1)(a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act;

Relevant Planning: Wicklow County Development Plan 2022-2028

Zoning Objective: RE: Existing Residential under Bray MD LAP 2018-2024

To protect, provide and improve residential amenities of existing residential areas

Appendix 1 – Section 1.2 outlines measures to address climate action.

Section 1.2.2 states:

'Energy efficiency' in building design relates to:

- a. reducing the amount of energy used in the building and
- b. Increasing the use of renewable sources of energy.

There are a number of ways in which both can be achieved:

• High quality insulation, which will minimise heat loss and therefore reduce demand for heat generation;

Details of Query:

In accordance with the details submitted with Section 5 application:

It is proposed to install external insulation on the external walls of the semi-detached dwelling, to a depth of 100mm. It is stated that this depth will also include a render finish and that this will enhance energy efficiency. The dwelling is not a Protected Structure.

Assessment

The application seeks a declaration as to whether the:

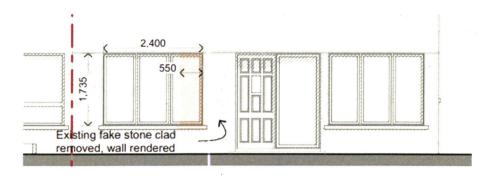
installation of external insulation to a depth of 100mm and render finish to the external elevations of

7 Ardmore Crescent Bray is development and is or is not exempted development:

The existing finish of the subject dwelling and some other dwellings within the estate is a render finish with partial stone finish applied to various areas of the dwellings. The subject site has a stone finish in the front top right elevation.



houses on Ardmore Crescent with differing finishes;



PP23/60512, at (14 Ardmore Crescent) permitting stone cladding removal and replacement with render finish. (note this application included was for a larger development and not just for stone removal).

The first question to be asked therefore is whether or not development is taking place.

The installation of insulation would it is considered be works as it would involve the placement of external rigid panels of insulation to the dwelling and the applying a final render finish. This operation would be acts of construction / alteration and therefore are works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended). These works are therefore development given the provisions of Section 3(1) (a) i.e.

'the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land'.

Section 4 of the Planning and Development Act 2000 (as amended) provides that

- 4.— (1) The following shall be exempted developments for the purposes of this Act—
 - (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

The installation of insulation on the external walls are considered to be works of maintenance/ improvement to the dwelling. As identified the No. 7 has a front elevation of render and also a stone feature to part of the front elevation, but the main finish is render. Furthermore, within the estate the houses have stone features some to only the entrance area and some like No. 7 to part of the first floor area, while others have a plain rendered finish. It is therefore considered that given the mix of finish within the estate, each individual house would be largely dominated by the render finish, the external insulation would not materially affect the external appearance so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The external insulation would it is considered come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they would affect the external appearance however the impact would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Recommendation

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether: installation of external insulation to a depth of 100mm and render finish to the external elevations of 7 Ardmore Crescent, Bray is development and is or is not exempted development:

The Planning Authority considers that:

The installation of external insulation to a depth of 100mm and render finish is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (a) The installation of external insulation with render finish would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, given the existing finishes of the dwelling and within the estate, which are dominated by render finishes, with minor areas of stone decorative features within front elevations.

Hacia Hacto GP

Sel Bernington St.

Maria Harte (G.P.) Dated: 03/04/2025

Agreed 4/4/2025

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Maria Harte
Graduate Planner

FROM:

Nicola Fleming Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX34/2025

I enclose herewith application for Section 5 Declaration received completed on 28/03/2025.

The due date on this declaration is 24th April 2025.

Staff Officer

Planning, Economic & Rural Development



Comhairle Contae Chill Mhantáin Ulicklou County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

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Sergio Rodriguez Mallada 7 Ardmore Crescent Bray Co. Wicklow A98 Y7D8

28th March 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX34/2025

A Chara

I wish to acknowledge receipt of details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 24/04/2025.

Mise, le meas

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development







From:

Sent: To: Subject:	Friday 28 March 2025 10:33 Nicola Fleming Re: Section 5 application
External Sender - From This message came from our	om: (Sergio Rodriguez <s utside your organisation.</s
	ninated from outside Wicklow County Council. Do not click links or open attachments unless and know the content is safe.
I apologise for not resp	onding earlier.
Yes exemption to the e	xternal wall insulation on all three external walls.
Regards Sergio	
El El mié, 19 mar 2025	a las 9:57, Nicola Fleming < NFleming@wicklowcoco.ie > escribió:
amended) as to what is	tion for a declaration in accordance with section 5 of the P&D Act 2000(as s or what is not development or is or is not exempted development and to advise you (iv) of the form. You need to state what you are asking is is or is not exempted
Is it external wall insu	lation to all external walls?
Please clarify.	
Regards,	
Nicola Fleming	
Staff Officer	
Planning, Economic &	Rural Development
WICKLOW COUNTY CO	DUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96
Ph 2 : +353 (0404) 20	0148 ⊠: <u>nfleming@wicklowcoco.ie</u>

Sergio Rodriguez <

Website: http://www.wicklow.ie



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Comhairle Contae Chill Mhantáin Wicklow County Council

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Sergio Rodriguez Mallada 7 Ardmore Crescent Bray Co. Wicklow A98 Y7D8

25th March 2025

Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended): - EX34/2025

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 18/05/2025. Email was forwarded on 19/03/2025 for which I have had not reply.

We received your Section 5 application form however this is incomplete as per our additional notes section: -

• Section iv of the application form has not been completed which we require you must advise us what you are asking is exempt? Please clarity

Application is currently classed as incomplete and decision date cannot be noted until documentation is received.

Mise, le meas

STAFF OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT





ola Fleming

From:

Nicola Fleming

Sent:

Wednesday 19 March 2025 09:57

To:

Subject:

Section 5 application

I refer to your application for a declaration in accordance with section 5 of the P&D Act 2000(as amended) as to what is not development or is or is not exempted development and to advise you have not completed 3 (iv) of the form. You need to state what you are asking is is or is not exempted development.

Is it external wall insulation to all external walls?

Please clarify.

Regards,

Nícola Fleming

Staff Officer

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph**2**: +353 (0404) 20148 | ⊠: nfleming@wicklowcoco.ie

Website: http://www.wicklow.ie



Wicklew Council C by Buildings William 0404-20100

18/03/2025 09 34 20 Receipt No - L1/0/342422

SERGIO RODRIGUS MAUADA 7 ARDMORE CRESCENT

bRAY CO WICKLOW

EXEMPTION CERTIFICATES

GOODS 80 00 VAT Exempt/Non-vatable

Total

Total

Tendered Cash

Charige

Issued By VANESSA PORTER From Customer Service Hub Vatired No 0015233H

80 00

80 00 EUR

80.00

0.00

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Wicklow County Council County Buildings Wicklow Co Wicklow **Telephone 0404 20148**

Fax 0404 69462

Date Received RECEIVED 18 MAR 2025

Lee Received

APPLICATION FORM FOR A DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING & DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEXELOPMENT				
1. Applicant Details				
(a) Name of SERGIO RODRIGUEZ MALLADA	applicant.			
Address of applicant:				
7 ARDMURE CRESCENT, BRAY, CO. A98 YID8	Wicklus			
Note Phone number and email to be filled in on separate page				
2. Agents Details (Where Applicable)				
(b) Name of Agent (where applicable)				
Address of Agent ·				
Note Phone number and email to be filled in on separate page.				

ı.	Location Declaration	10	Development	subject	ol
	7 ARDMOR	È	CRESCENT BRAY	. 10	وسراء كالمالي

ii. Are you the owner and/or occupier of these lands at the location under i. above?

iii. If No to ii above, please supply the Name and Address of the Owner, and or occupier

iv. Section 5 of the Planning and Development Act provides that: If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration

Adaitional details may be submitted by way of separate submission.

v. indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

Article of the Resplations Additional details may be submitted by way of separate submission.

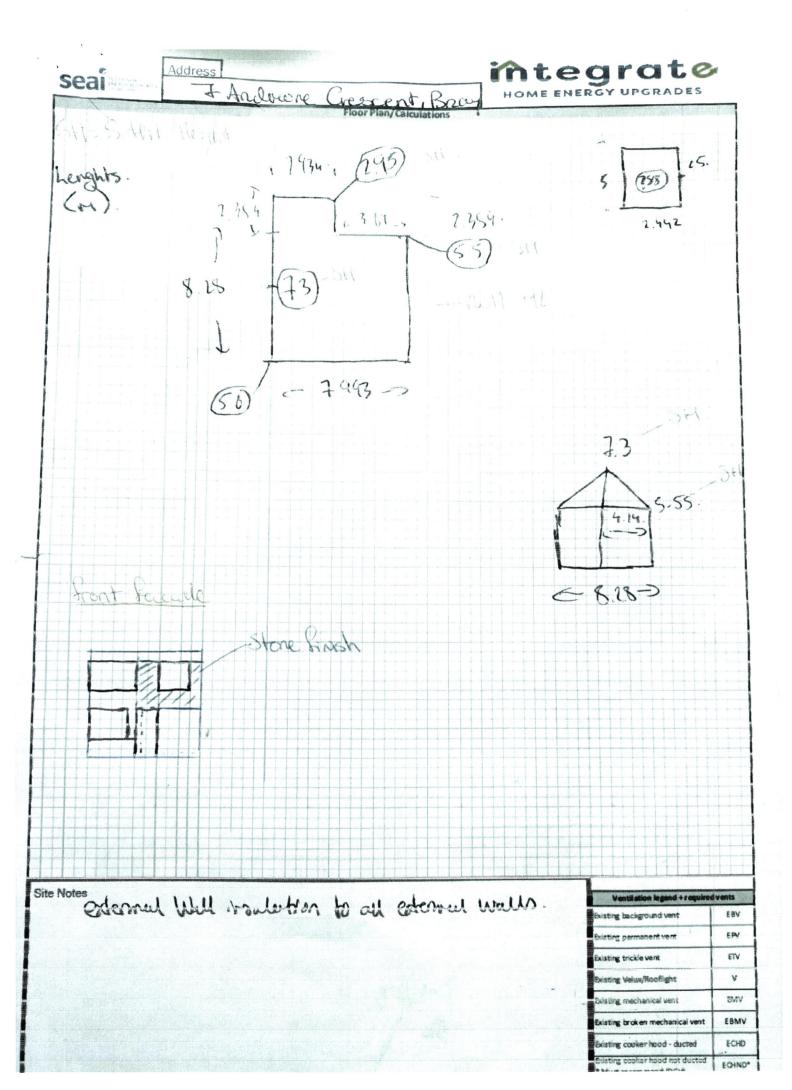
vi. Does the Declaration relate to a I rotected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)

vii. List of Plans. Drawings submitted with this Declaration Application
- ORiginal One Stop shop proposed specifications
- Drawings with dimensions

viii. Fee of t 80 Attached . Yes

Dated:_ 13/03/2025

Additional Notes:



Proposed Specification

Pre-works BER	Post-works BER (estimated)	BER Uplift kWh/m2/year (estimated)	Heat Loss Indicator W/K/m2 (estimated)	
BER D1	BER B1	159.97	1.867	

Notes:

To qualify for the One Stop Shop grant your home must achieve a post-works Building Energy Rating (BER) of B2 or better

The BER is measured using kWh/m2/year and your home must also achieve a minimum 100 kWh/m2/year uplift from pre-works BER to post-work BER

The Heat Loss Indicator (HLI) is a measure of your homes heat loss. The SEAI have set 2 W/K/m2 as a heat loss indicator under which a home is suitable for heat pump installation, as heat pump only operate well in insulated homes. Therefore to qualify for the SEAI's heat pump grants a home must achieve a HLI of 2 or less (or 2.3 in some cases)

Walls

External Walls

100mm Atlas Aval NSAI-certified EPS External wall insulation and acrylic render to all external walls.

Colour to be confirmed, smooth textured finish.

Includes required scaffolding

Insulation brought down to external ground level to reduce floor heat loss.

Extend boiler flue

Timber Side gate altered to accommodate insulation.

Front garage to be colour matched with external wall insulation render.

*Replica of front stone finish not included in proposal, subject to further investigation by project manager.

Rear Office

Rear office walls to also be insulated with Atlas Aval NSAI-certified EPS External wall insulation and acrylic render to all external walls.

Colour to be confirmed, smooth textured finish.

Semi exposed wall facing into garage

Install 80mm Unilin or similar rigid insulation, Taped for draughtproofing and Vapour Control, 12mm plywood finish.

Does not include alterations to gas boilers, flues, pipework, gas lines, mains electric cables. Acceptable to insulate around

Semi exposed floor facing into garage (garage roof). Semi exposed area only

Install 80mm Unilin or similar rigid insulation, Taped for draughtproofing and Vapour Control, 12mm plywood finish.

Does not include alterations to gas boilers, flues, pipework, gas lines, mains electric cables. Acceptable to insulate around

Insulate Cold Bridge at Eaves

Existing soffits to be taken down and external wall insulation brought up to underside of rafter. Attic insulation brought out to meet external wall insulation to create continuous insulation layer and eliminate cold bridging. New ventilated soffits

Horizontal eaves included to be upgraded with new ventilated soffits.

Windows and Doors

7nr Install Camden triple glazed white or coloured PVC windows.

1nr install Camden PVC 50% glazed single door.

Standard ironmongery.

All windows installed in the same position with the external wall insulation resulting in a deeper reveal externally.

All new windows and doors draughtproofed around.

*Front windows and door newly installed, grants subject to both achieving U value requirements for One Stop Shop

Secondary heating

Decommission open fire in grate, block up opening with painted plywood and install ventilation to prevent condensation build up in the chimney (does not include removal of fireplace)

Ventilation

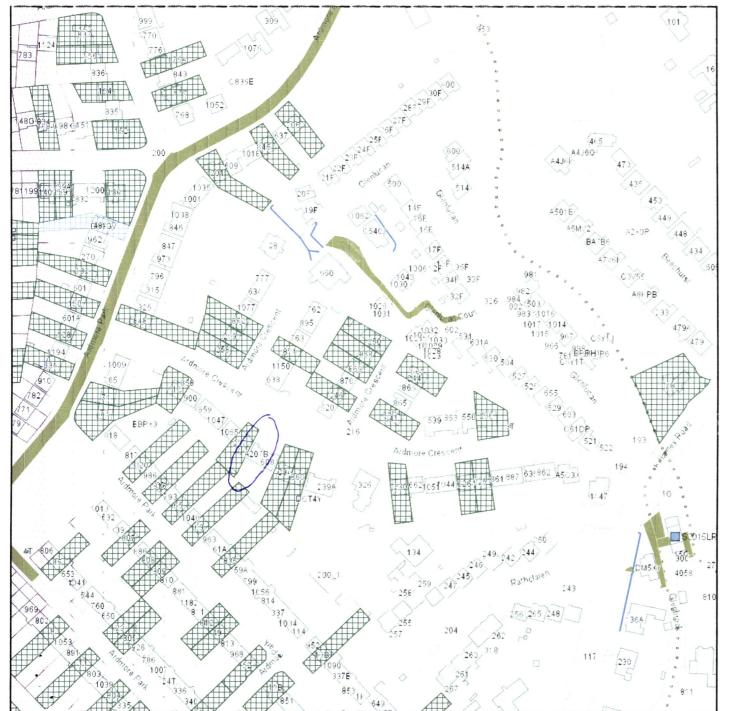
1nr Aereco Demand Control Ventilation system 1nr roof tile vent 3nr AerecoBXC2 exhaust units for wet areas 6nr humidity controlled background wall vents 6nr new wall cores subject to onsite survey by ventilation technician

Draught-proofing

1nr Preliminary air tightness test to assess current air change rate in the dwelling.

1nr Post works air tightness test to validate additional draught proofing works

The Post works test must achieve a result of 5m3/ (hm2) or less to meet grant requirements.





Clárúchán, Luacháil, Suirbhéireacht Registration, Valuation, Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte É reann (TÉ) Registration mapping is based on TE Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

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(centre-line of pancel(s) edged)
Freehold
Leasehold
SubLeasehold
'S' Register
(see Section 8(b)(II) of Registration of Tible Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010),

Buildens (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 ban be found at; www.landdirect.ie

Tailte Eineann Registration operates a non-conclusive boundary system. The TE Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TE Registration 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.



