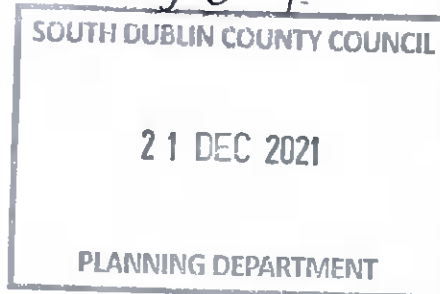


South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



10.12.21

STRICTLY WITHOUT PREJUDICE

Re: Our Client: Noel Whelan

Planning Application at Longmile Road

Dear Sirs

We act on behalf of Noel Whelan in respect of his application for retention planning for erection of fence and gate enclosing lands vehicular access to the Longmile Road.

We attach hereto copy of Mr Whelan's folio whereby Mr Whelan is the registered owner of the entirety of the lands comprised in Folio 13446 County Dublin. You will note he was first registered as owner on 30 July 2018 and there are no burdens registered on the folio which would effect his title.

We also attach hereto a copy of the map showing the entirety of the property registered to him and you will note that a long strip of ground gives access via the Longmile Road.

Our client is currently the subject of proceedings adjoining owners Jane Downey and also Motor Distributors Ireland Limited. Both cases are being strongly defended and both the application of Jane Downey is based on long possession together with an unfounded application by Motor Distributors Ireland Limited where they are claiming that a small triangular piece as attached on the map hereto was once utilised by them. We are arguing in favour of Mr. Whelan that this was merely an implied licence and has clearly not been in use from visual inspection for some time and had not been when Mr. Whelan purchased the property

We have currently instructed Counsel to strongly defend both cases and will be seeking costs.

In respect of the case of Jane Downey, we would point out that an application has been made to the Property Registration Authority by this applicant on two occasions now based on long possession of the lands registered to Mr Whelan and indeed both applications have now been rejected by this Authority.

We would suggest that any planning application of Mr. Whelan should not be curtailed by the current pending cases as there are currently no injunctive proceedings are pending by either party and indeed both proceedings are in the Circuit Court and same will be dealt with in a timely manner and strongly defended. It is important to note that any injunctive proceedings have also been withdrawn.

Please note the position.

Yours sincerely

Majella Ellis

Majella Ellis



The Property Registration Authority An tÚdarás Clárúcháin Maoinne



Official Property Registration Map

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Subleasehold
- 'S' Register

(see Section F(1)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

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.prai.ie

(see Section 85 of the Registration of Title Act, 1964) As Inserted by Section 62 of the Registration of Deed and Title Act 2006.

