

HATSTONE

T: +353 (0) 1 963 7000  
DX: Fitzwilliam 109008  
26/27 Pembroke Street Upper  
Dublin 2  
D02 X361

[www.hatstone.com](http://www.hatstone.com)

Tracey McGibbon  
A/Senior Executive Planner  
South Dublin Count Council  
Planning Section

19 October 2021

Our Reference GW0001/0001

Your Reference SD21A/0216

Re Application SD21A/0216 Old Nangor Road Ltd  
Our Client Old Nangor Road Limited

Dear Sirs

We refer to the above application and your letter of 4 August 2021 seeking further clarification and more particularly point 5 seeking as follows;

*The applicant is requested to clarify the use and ownership of the accessway off Collinstown Road along the east of the site. If any right of ways exist, the applicant should submit a revised site location map showing this.*

*The applicant is also requested to clarify why the site boundary (red line boundary is irregular in the north-eastern corner of the site along this accessway. The boundary appears to project inwards at a point.*

We acted as the solicitors in the purchase of these lands by the Applicant.

We enclose Folio and File Plans of Folios

Managing Partner: Gráinne Loughnane  
Partners: Julie O'Sullivan | Setanta Landers  
Solicitors: Orla Canavan | Kevin Nestor | Lauren Atkinson  
Consultants: Aaron McGarry | Declan Brooks | John Deeney | Laura Holtham | Sonia McEntee

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- DN34496F
- DN241152F
- DN34496F

from the PRAI showing the applicants boundary and with a right of way running to the East of the property. We have revised map drawing number 2200 to highlight the location for the right of way running to the east of the property.

The applicant has the benefit of this right of way to pass and repass, access and egress its property it is clear that the parking proposed is within the curtilage of the applicants' own boundaries and causes no obstructions, interference or impedes the right of way in any way and its proposed use is consistent with the right of way.

The Right of way is contained within Folio DN55337F.

Folio DN55337F is registered in the name of Brendan Farrelly. We attach Folio and Map. Brendan Farrelly has lodged a submission which concedes that a current right of way exists for access to the current business premises on the site.

We are grateful for the investigations of the planning authority in this regard which does not usually concern itself with matters of title and note that the right of way is in existence to service access to this property and as such no consent of any adjoining landowner is required as the property enjoys the benefit of the right of way for access at the proposed location.

We understand that the inward feature to the North East of the site is to facilitate a fire exit and the boundary delineation merely matches the as built property with a railing feature. There is a footpath in this area and a photo is attached which ought make that position clearer to the authority.

We trust the above to be in order.

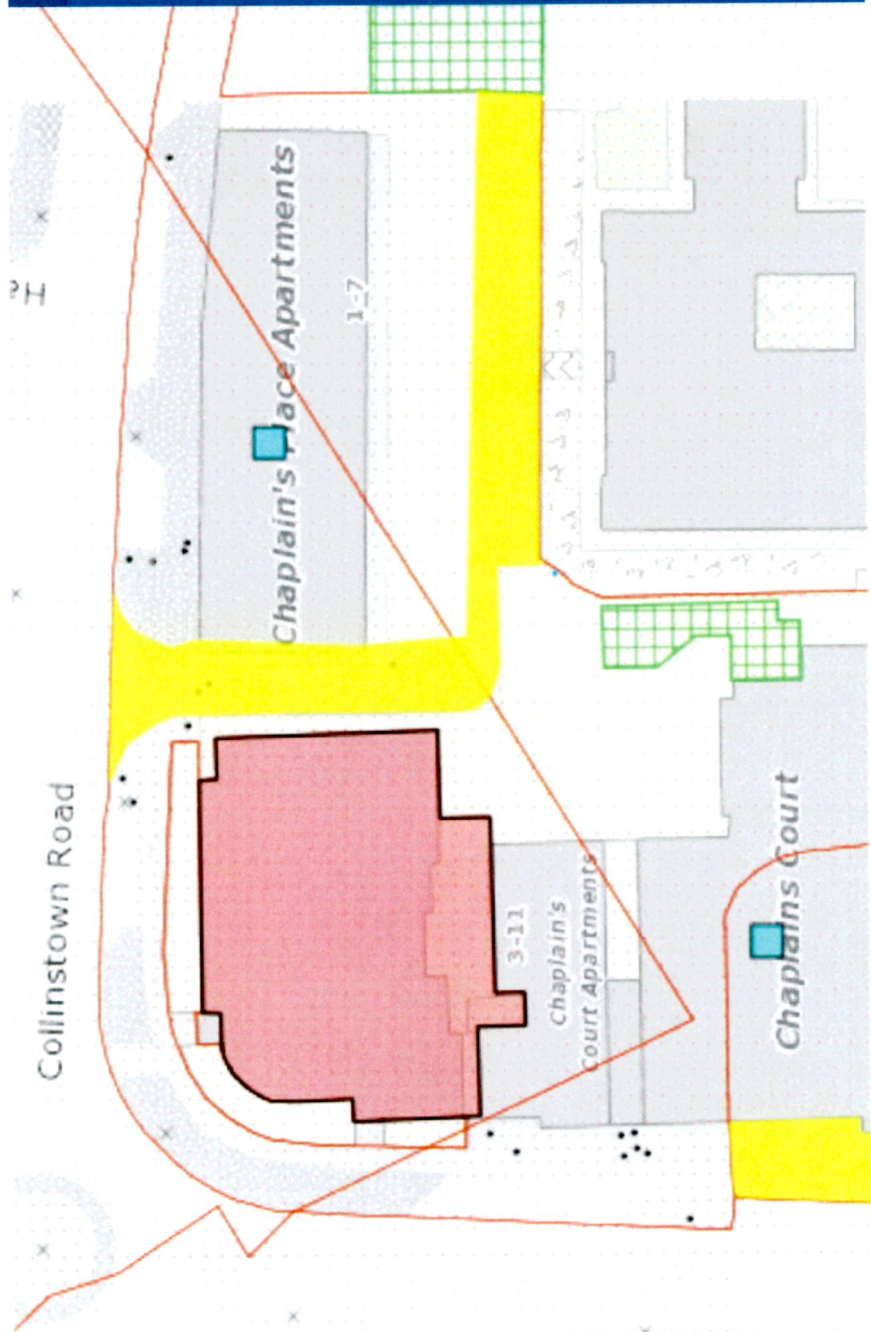
Yours faithfully

*Sent by email and no signature attaches.*

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Setanta Landers  
Partner

Hatstone (Ireland) LLP



> [Back](#)

<b>Folio Number</b>	DN34496F
<b>Title Level</b>	Freehold
<b>Plan Number</b>	3
<b>Property Number</b>	2
<b>Area of selected plans</b>	Not available.
<b>Number of Plans on this folio:</b>	1
<b>Address</b>	Finches Public House, Finches Shopping Centre, Neilstown Road, Dublin 22, D22 H7X9

Add to Basket

Create Alert

\*DPA Boundary and Plan Area

# Land Registry

County Dublin

Folio 337F

## 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><del>PLANS : 49A TOWNLAND : COOLMINE BARONY :NEWCASTLE AREA : .635 HECTARES OS REFERENCE :21/13</del></p> <p><del>THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS</del></p> <p><del>NOTE: ALL PROPERTY TRANSFERRED TO FOLIO DN111107F (SEE PART 1B)</del></p>	<p><del>FROM FOLIO 7195</del></p>
2	<p>PLANS :FK76 TOWNLAND :COOLMINE BARONY :NEWCASTLE OS REFERENCE :21/13</p> <p>THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS</p> <p>NOTE: PROPERTY ADDED DUE TO SUBDIVISION - 28/10/92, INST. NO. 92DN22035</p>	<p>FROM FOLIO DN007195</p>

Land Cert Issued: Yes

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Collection No.:

Land Registry

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Part 1(B) - Property  
Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:
1	1	92DN22035	28-OCT-1992		FK75	DN89069F
2	1	96DN08640	16-APR-1996		49A	DN111107F

# Land Registry

County Dublin

Folio 337F

## Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
001	<del>15-SEP-1975</del> <del>R-4307/75</del>	<del>—THOMAS FETHERSTON (CONTRACTOR) 25 FORREST HILL, PORTMARNOCK, CO DUBLIN IS FULL OWNER</del>
002	27-OCT-1992 92DN21911	ROSE FETHERSTON COOLMINE, SAGGART, COUNTY DUBL IN IS FULL OWNER Land Cert Application No.: 513 Date: 19-JUN-1996 Issued To: GALLAGHER SHATTER, SOLRS., 4 UPPER ELY PLACE, DUBLIN 2

3 ~~28-JUL-1995~~  
~~95DN15771~~ ~~ALL DEALINGS WITH THE PART OF THE PROPERTY AS SPECIFIED IN MAP  
ATTACHED TO INST. NO.95DN15771 ARE INHIBITED FOR A PERIOD OF 14  
DAYS AFTER 28TH JULY 1995.~~

NOTE: CANCELLED RULE 7

4 ~~24-AUG-1995~~  
~~95DN17864~~ ~~ALL DEALINGS WITH THE PART OF THE PROPERTY NO.1 SHOWN AS PLAN  
49A (O.S.21/12) ARE INHIBITED FOR A PERIOD OF 14 DAYS AFTER  
24TH AUGUST 1995.~~

NOTE: CANCELLED RULE 7

# Land Registry

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Folio 337F

## Part 3 - Burdens and Notices of Burdens

No.	Particulars
01	<p><del>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 INTEREST SPECIFIED IN SECTION 45 OF THE SAID ACT IN SO FAR AS THE SAID PROVISIONS AFFECT SAME.</del></p> <p style="text-align: center;">Cancelled <span style="float: right;">D2017LR070277M</span> <span style="float: right;">23-MAY-2017</span></p>
002	<p>LR 51088</p> <p>THE PROPERTY IS SUBJECT TO THE FISHING RIGHTS AND FISHERIES (IF ANY) RESERVED TO THE LAND COMMISSION BY ITS FIAT.</p>
003	<p><del>26 JAN 1977</del> <del>R 796/77</del></p> <p><del>CHARGE FOR THE PRINCIPAL SUMS STAMPED TO COVER £16,000 SPECIFIED IN INSTRUMENT NO. R 796/77 REPAYABLE WITH INTEREST.</del> <del>THE IRISH PERMANENT BUILDING SOCIETY IS OWNER OF THIS CHARGE</del></p> <p style="text-align: center;">NOTE: CERTIFICATE OF CHARGE ISSUED RULE 156 ON 16TH FEBRUARY 1977</p> <p style="text-align: center;">CANCELLED, 28/10/92, INST. NO. 92DN22035</p>
004	<p><del>05 SEP 1984</del> <del>84DN13692</del></p> <p><del>AN OFFICE COPY OF AN AFFIDAVIT BY VINCENT P. BEIRNE OF 37/39 FITZWILLIAM SQUARE, DUBLIN OF A JUDGEMENT OBTAINED BY LOMBARD AND ULSTER BANKING IRELAND LIMITED AGAINST THOMAS FETHERSTON AND ROSALEEN FETHERSTON ON THE 17TH DAY OF JULY 1984 IN THE HIGH COURT IN A MATTER, ACTION OR CAUSE OF LOMBARD AND ULSTER BANKING IRELAND LIMITED (PLAINTIFF) V THOMAS FETHERSTON AND ROSALEEN FETHERSTON (DEFENDANT) HAS BEEN DEPOSITED IN THE REGISTRY AS A MORTGAGE AGAINST THE INTEREST OF THOMAS FETHERSTON IN THE PROPERTY</del> <del>HEREIN.</del></p> <p><del>THE AMOUNT OWING ON SAID JUDGEMENT IS STATED TO BE £43,208.77</del> <del>NOTE : AS BETWEEN THIS BURDEN AND ANY LIEN ON THE PROPERTY CREATED BY DEPOSIT OF THE LAND CERTIFICATE PRIOR TO THE DATE OF REGISTRATION THIS BURDEN RANKS IN PRIORITY AFTER SUCH LIEN</del></p> <p style="text-align: center;">NOTE: THIS JUDGEMENT MORTGAGE IS ALSO REGISTERED ON FOLIO NOS. DN032006F, DN007195 AND DN008681L</p> <p style="text-align: center;">CANCELLED, 28/10/92, INST. NO. 92DN22035</p> <p><del>AN OFFICE COPY OF AN AFFIDAVIT BY ROGER THOMAS CARLAND OF KEANE</del></p>



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005	17 JUN 1985 85DN07899	<p><del>MAHONY SMITH, 38 DAWSON STREET, DUBLIN 2 OF A JUDGEMENT OBTAINED BY KEANE MAHONY SMITH AGAINST THOMAS FETHERSTON ON THE 7TH OF SEPTEMBER 1984 IN THE DISTRICT COURT, DUBLIN METROPOLITAN DISTRICT IN A CAUSE OF KEANE MAHONY SMITH (PLAINTIFF) V THOMAS FETHERSTON (DEFENDANT) HAS BEEN DEPOSITED IN THE REGISTRY AS A MORTGAGE AGAINST THE INTEREST OF THOMAS FETHERSTON OF COOLMINE, SAGGART, DUBLIN (GENTLEMAN) IN THE PROPERTY HEREIN.</del></p> <p><del>THE AMOUNT OWING ON SAID JUDGEMENT IS STATED TO BE £842.32</del></p> <p><del>NOTE : AS BETWEEN THIS BURDEN AND ANY LIEN ON THE PROPERTY CREATED BY DEPOSIT OF THE LAND CERTIFICATE PRIOR TO THE DATE OF REGISTRATION THIS BURDEN RANKS IN PRIORITY AFTER SUCH LIEN</del></p> <p><del>NOTE: THIS JUDGEMENT MORTGAGE IS ALSO REGISTERED ON FOLIO NO.S DN008681L AND DN007195</del></p> <p><del>CANCELLED, 28/10/92, INST. NO. 92DN22035</del></p>
006	30 OCT 1985 85DN13802	<p><del>AN OFFICE COPY OF AN AFFIDAVIT BY JOHN M.T. KING OF RED LANE, BLESSINGTON, COUNTY WICKLOW OF A JUDGEMENT OBTAINED BY THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND AGAINST THOMAS FETHERSTON ON THE 17TH OF SEPTEMBER 1985 IN THE CIRCUIT COURT IN A CAUSE OF THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND (PLAINTIFF) V THOMAS FETHERSTON (DEFENDANT) HAS BEEN DEPOSITED IN THE REGISTRY AS A MORTGAGE AGAINST THE INTEREST OF THOMAS FETHERSTON OF COOLMINE, SAGGART, COUNTY DUBLIN IN THE PROPERTY HEREIN.</del></p> <p><del>THE AMOUNT OWING ON SAID JUDGEMENT IS STATED TO BE £6,190.44</del></p> <p><del>NOTE : AS BETWEEN THIS BURDEN AND ANY LIEN ON THE PROPERTY CREATED BY DEPOSIT OF THE LAND CERTIFICATE PRIOR TO THE DATE OF REGISTRATION THIS BURDEN RANKS IN PRIORITY AFTER SUCH LIEN .</del></p> <p><del>NOTE: THIS JUDGEMENT MORTGAGE IS ALSO REGISTERED ON FOLIOS DN007195 AND DN008681L</del></p> <p><del>NOTE: CANCELLED, 28/10/92, INST. NO. 92DN22035</del></p>
007	13 JUN 1986 86DN08200	<p><del>AN OFFICE COPY OF AN AFFIDAVIT BY DONAL M LYNCH COMPANY SECRETARY OF 12/13 SOUTH WILLIAM STREET DUBLIN 2 OF A JUDGMENT OBTAINED BY CREDIT FINANCE BANK LIMITED AGAINST THOMAS FETHERSON ON THE 24TH APRIL 1985 IN THE CIRCUIT COURT IN A CAUSE OF CREDIT FINANCE BANK LIMITED (PLAINTIFF) V THOMAS FETHERSON (DEFENDANT) HAS BEEN DEPOSITED IN THE REGISTRY AS A MORTGAGE AGAINST THE INTEREST OF THOMAS FETHERSON OF COOLMINE SAGGART COUNTY DUBLIN IN THE PROPERTY</del></p>

Land Registry

County Dublin

Folio 337F

~~HEREIN.~~

~~THE AMOUNT OWING ON SAID JUDGMENT IS STATED TO BE £2629.50  
NOTE : AS BETWEEN THIS BURDEN AND ANY LIEN ON THE PROPERTY CREATED  
BY DEPOSIT OF THE LAND CERTIFICATE PRIOR TO THE DATE OF  
REGISTRATION THIS BURDEN RANKS IN PRIORITY AFTER SUCH LIEN~~

~~NOTE: THIS JUDGMENT MORTGAGE IS ALSO REGISTERED ON FOLIO  
8681L.~~

~~CANCELLED, 28/10//92, INST. NO. 92DN22035~~

008

~~03 MAY 1994  
94DN08471~~

~~AN OFFICE COPY OF AN AFFIDAVIT BY GERRY BOYLE, SECRETARY OF UPPER  
HATCH STREET, DUBLIN OF A JUDGMENT OBTAINED BY ACC BANK PLC  
AGAINST ROSE FETHERSTON ON THE 18TH NOVEMBER 1993 IN THE DISTRICT  
COURT IN A CAUSE OF ACC BANK PLC (PLAINTIFF) V ROSE FETHERSTON  
(DEFENDANT) HAS BEEN DEPOSITED IN THE REGISTRY AS A MORTGAGE  
AGAINST THE INTEREST OF ROSEFETHERSTON OF COOLMINE, SAGGART,  
COUNTY DUBLIN IN THE PROPERTY ~~HEREIN.~~~~

~~THE AMOUNT OWING ON SAID JUDGMENT IS STATED TO BE £2,965.42  
NOTE : AS BETWEEN THIS BURDEN AND ANY LIEN ON THE PROPERTY CREATED  
BY DEPOSIT OF THE LAND CERTIFICATE PRIOR TO THE DATE OF  
REGISTRATION THIS BURDEN RANKS IN PRIORITY AFTER SUCH LIEN.~~

~~NOTE: THIS JUDGMENT MORTGAGE IS REGISTERED ALSO ON FOLIO DN007195~~

~~Cancelled~~

~~D2017LR070277M~~

~~23-MAY-2017~~

# Land Registry

County Dublin

Folio 55337F

## 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) 2 on the Registry Map, situate in the Townland of ROWLAGH, in the Barony of UPPERCROSS, in the Electoral Division of CLONDALKIN-MOORFIELD.</p> <p>THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS</p> <p>The seedpoints numbered 19, 16, 15, 13, 11, 9, 8, 6, 5, 20, 22 have been deleted from DMaps See Q2012LR011192D NOTE: PLAN E8VQ ADDED, INST. 91DN05599 Note: Amended 3/8/2001 Inst No D2001DN021165G Note Plans amended See D2001DN009655A</p>	FROM FOLIO DN034496F
2	<p>The property shown coloured Red as plan(s) 1, DUNK5 on the Registry Map, situate in the Townland of ROWLAGH, in the Barony of UPPERCROSS, in the Electoral Division of CLONDALKIN-MOORFIELD containing 00 hectares.</p> <p>THE REGISTRATION DOES NOT EXTEND TO MINES AND MINERALS</p> <p>Note: Plan DUNK5 added under D2020LR079551P. The seedpoints numbered 18, 14, 12, 10, 7, 17, 21, 23, have been deleted from DMaps See Q2012LR011192D NOTE: PLAN E8VP ADDED, INST. 91DN05599 Note Plans amended see D2001DN009655A</p>	FROM FOLIO DN034496F