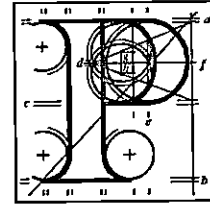


**Our Case Number:** ABP-317424-23

**Planning Authority Reference Number:** SD22A/0373



**An  
Bord  
Pleanála**

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24

**Land Use Planning & Transportation**

**27 JUN 2023**

**South Dublin County Council**

**Date:** 26 June 2023

**Re:** Demolition of former two storey steelworks factory, construction of 3 three-storey houses and all associated site development works.  
Former steelworks factory, Manor Avenue, Terenure, Dublin 6W

Dear Sir / Madam,

I wish to inform you that An Bord Pleanála has received an application for leave to appeal under section 37(6)(c) of the Planning and Development Act, 2000, (as amended), and **enclosed is a copy for your information only.**

In accordance with section 37(6)(c) of the Planning and Development Act, 2000, (as amended), you are requested to submit **within a period of one week** beginning on the date of receipt of this notice, the following documents:-


- (1) The application made to the planning authority.
- (2) Any drawings, maps, (including ordnance survey number) particulars, evidence, environmental impact statement, other written study received or obtained from the applicant. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy.
- (3) Copies of any technical or other reports prepared by or for the planning authority in relation to the application.
- (4) A certified copy of the relevant Manager's Order giving the decision of the planning authority and a copy of the notification of the decision given to the applicant.
- (5) Particulars of the applicant's interest in the land or structure, as supplied to the planning authority.
- (6) A copy of the **published notice** and a copy of the text of the **site notice** erected on the land or structure.
- (7) Copies of requests (if any) to the applicant for further information relating to the application under appeal with copies of reply and documents (if any) submitted in response to such requests.
- (8) A copy of the minutes of any pre-planning meetings.

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaó Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Ríomhphost</b>	<b>Email</b>	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,



Mary Tucker  
Executive Officer  
Direct Line: 01-8737132

BP66 Registered Post

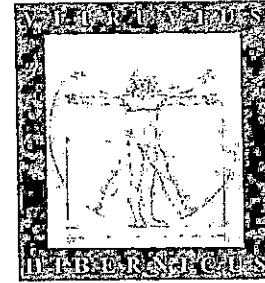
**Teil**  
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**Website** [www.pleanala.ie](http://www.pleanala.ie)  
**Email** [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

LIAM MADDEN  
EU REGISTERED ARCHITECT NETHERLANDS REG. NO. 1.180615.001  
UK REGISTERED ARCHITECT REG. NO. 0461701  
ENVIRONMENTAL SCIENTIST PLANNING CONSULTANT  
LEGAL ADVISOR S.I. 8/2017 SCH. 5



An Bord Pleanála,  
64 Marlborough Street,  
DUBLIN 1.  
D01 9 V02

AN BORD PLEANÁLA	
LDG-	064443-23
ABP-	
21 JUN 2023	
Fee. €	110
Type:	CHO
Time:	
By:	Reg

19 June 2023

P.A. ref : 22A/0373 South Dublin County Council  
Applicant : Patricia Carmody.

Proposed demolition of the former steelworks factory (465 sq.m.) and build on resultant cleared site of circa 0.133 hectares. Construction of three flat roof terraced three storey three bedroom houses (each 160sq.m.) with external terraces at first and second floor levels and all associated site development works above and below ground at former steelworks factory at Manor Avenue, Terenure, Dublin 6

Dear Sir/Madam,

this is an application by Collette Cregg, 52 College Drive, Terenure Dublin 6, D6W TN84 under Section 37.-(6) of the Planning and Development Act 2000, as amended, for Leave to Appeal against the Decision to Grant Planning Permission for the above proposed development made by order dated 31 May 2023 subject to 16 Conditions.

Attached are :

- (i) decision to Grant Planning Permission ref. 22A/0373 dated 31 May 2023
- (ii) An Bord's leave to appeal fee €110-00
- (iii) Tailte Éireann map and Registry of Deeds extract map.

Set out below are the full ground for this application.

1. My client, Collette Cregg, resides at 52 College Drive, Terenure Dublin 6 D6W TN84. She enjoys a 999 year lease in Folio DN15638. The adjoining property in Folio DN3378 is the site the subject of planning application and decision 22A/0373. Attached is a Land Registry – Tailte Éireann scene printout of the two adjoining properties.

L. MADDEN B. ARCH. NUI, M.APPL.ENVIR. SC., CERT. ARCH. PROF., DIP. MICRO-PROC. TECH.  
2 THE GATE LODGE, WINDSOR CLOSE, 81 LOWER WINDSOR AVENUE, BELFAST BT9 7DX  
POSTBUS 41882, 1009 DB AMSTERDAM, NEDERLAND  
RESIDENCE : VITRUVIUS HIBERNICUS, CONVENT ROAD, LONGFORD N39 EE72 Tel./Fax 043-33 41151

2. The four tests for successful application for Leave to Appeal are addressed below.

(a) My client did not submit a third party observation/submission in 22A/0373.  
This may be ascertained from the planning file.

(b) Condition 16(b) of the decision to Grant Planning Permission reads :  
*Amendments.*

*Prior to commencement of the development the applicant, owner or developer shall submit the following for the written agreement of the following to the Planning Authority of the following -*

*Revised plans which incorporate all of the following amendments -*

(a) *(Irrelevant)*

(b) *Details of the height, design and treatment of the proposed roof terraces.*

*REASON : To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.*

Planning Condition 16(b) will change part of the development from what was originally proposed in the planning application.

(c) Due to Condition 16(b) having been attached to the Decision to Grant Planning Permission, the proposed development will impact on land which

a. my client has a legal interest, a 999 year lease AND

b. immediately adjoins/abutts the application site (see PRA Screen print Map)

(d) The impact of the attached Condition 16 (b) may :

a. affect the adjoining land in which my client has a legal interest and resides,  
AND/OR

b. reduce the value of the adjoining land in which my client has a legal interest  
AND/OR

c. affect the enjoyment of her land and reduce its value.

Should An Bord decide to grant leave to lodge an appeal, the appeal will focus on the the over-looking of my client's property from the approved first and second floor level roof terraces. I await hearing,

Yours faithfully,

Liam Madden  
Convent Road,  
LONGFORD  
N39 EE72



L. MADDEN B. ARCH. NUI, M.APPL.ENVIR. SC., CERT. ARCH. PROF., DIP. MICRO-PROC. TECH.  
2 THE GATE LODGE, WINDSOR CLOSE, 81 LOWER WINDSOR AVENUE, BELFAST BT9 7DX  
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RESIDENCE : VITRUVIUS HIBERNICUS, CONVENT ROAD, LONGFORD N39 EE72 Tel/Fax 043-33 41151

Sam Le Bas  
149, Foxrock Park  
Dublin 18

**NOTIFICATION OF DECISION TO GRANT PERMISSION  
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND  
PLANNING REGULATIONS THEREUNDER**

<b>Decision Order Number:</b> 0625	<b>Date of Decision:</b> 31-May-2023
<b>Register Reference:</b> SD22A/0373	<b>Date:</b> 04-May-2023

**Applicant:** Patricia Carmody

**Development:** Demolition of the existing former two storey steelworks factory (465sq.m) and build on resultant cleared site of circa 0.133 hectares; Construction of 3 flat roof, terraced, three storey, three bedroom houses (160sq.m each, 480sq.m total) with external terraces at first and second floor levels and all associated site development works above and below ground.

**Location:** Former steelworks factory, Manor Avenue, Terenure, Dublin 6W

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 23-Nov-2022 /04-May-2023

**Clarification of Additional Information Requested/Received:**

**DECISION TO:** Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

## **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

## **SECOND SCHEDULE**

### **Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 4th May 2023 save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Prior to the commencement of development, the Applicant shall obtain a road opening licence for laying of Surface water sewer on the public road.  
REASON: In the interests of the proper planning and sustainable development of the area.
3. Drainage - Irish Water.
  - (a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
  - (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
  - (c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
4. Irish Water Connection Agreement.  
Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.  
REASON: In the interest of public health and to ensure adequate water/wastewater facilities.
5. The proposed landscaping scheme shown on the Plans and Particulars submitted with the Application and the Additional Information submission received on 4th May 2023 shall be implemented in full, within the first planting season following completion of the development, in addition:
  - a) All hard and soft landscape works shall be completed in full accordance with the submitted plans.
  - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.

d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within the CDP 2022-2028.

6. The Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works will not compromise the agreed and approved landscape development, to ensure adequate protection of the existing trees approved for retention and to supervise the implementation of the landscape plans from start to finish.

A certificate of effective completion for the agreed and approved landscape scheme shall be submitted to the Planning Authority upon completion of the landscape works, such certificate to be prepared by the qualified Landscape Architect for the project.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the CPD 2022-2028.

7. Unless otherwise agreed in writing and prior to the commencement of development, the Applicant shall provide for the written agreement of the Planning Authority a Site Layout and Drainage Plan demonstrating the provision of additional natural SuDS features as part of proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:
- Removal of proposal for underground attenuation.
  - Demonstrate the treatment train, biodiversity value and amenity value of the SuDS proposals for the catchment in the residential areas.

As per Section 12.11 (iii) of CDP 2022-2028 only exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort. The Development should seek to maximise the use of permeable surfaces, as well as opportunities for stormwater attenuation and storage through SuDS and limit the use of underground attenuation and storage. The applicant shall submit a revised drawing in plan and cross-sectional view showing additional SuDS which removes the requirement for underground attenuation tanks such as:

- Green / Blue Roofs
- Swales
- Green areas
- Permeable Paving
- Tree Pits
- Pond/s

**REASON:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with the policies and objectives of the County Development Plan 2022-2028.

Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the 3 No. permitted dwellings without a prior grant of planning permission.

**REASON:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €57,168.00 (Fifty Seven Thousand, One Hundred and Sixty Eight Euros), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

**REASON:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

**NOTE RE: CONDITION** - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).



REASON: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

10. Restriction on Use and Occupancy.

Each of the residential units shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, (including short-term letting).

REASON: To prevent unauthorised development.

11. Construction Traffic Management Plan

Prior to the commencement of development the Applicant shall submit for the written agreement of the Planning Authority a Construction Management Plan which outlines the management of Construction traffic arising from the site and how it shall be managed in accordance with a method statement for the management of the construction phase.

In this regard within a maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall lodge with the Planning Authority for written agreement:

A site specific Construction Traffic Management Plan that accords with the Council's Traffic Section requirements.

The required Construction Traffic Management Plan shall include:-

(i) Details of the agreed number, location and use of suitable facilities for vehicle cleansing and wheel washing provided on site prior to commencing of construction and a written commitment that such facilities will be maintained in a satisfactorily operational condition during all periods of construction, and;

(ii) Location of all on-site car parking facilities provided for site workers during the course of all construction activity, and;

(iii) Provision for dust suppression measures in periods of extended dry weather, and;

(iv) Provision for the flexible use of a road sweeper if an acute situation on the adjoining public road requires it, and;

(v) Location of materials compound and site huts, and;

(vi) Details of security fencing, and;

(vii) Name and contact details for site manager, and;

(viii) Methodology for the use and control of spoil on site during construction, and;

(ix) Details of access arrangements/routes to be used by construction traffic, to include details of arrangements to manage potential conflicts with site specific issues i.e. schools, playing pitches etc..

(x) Measures to obviate queuing of construction traffic on the adjoining road network.

In this regard the applicant owner or developer shall consult with the Council's Traffic Section before any works are carried out, and;

(xi) Details of measures to protect watercourses on or adjoining the site from the spillage of deposit of clay, rubble or other debris,

(xii) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or public footpath during the course of site development works;

The plan should also be informed by any Project Construction Waste and Demolition Management Plan required to be prepared and agreed that addresses intended construction waste management and any traffic issues that may arise from such a plan.

A record of daily checks that the works are being undertaken in accordance with the site specific Construction Traffic Management Plan shall be kept for inspection by the Planning Authority.

Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

#### 12. Construction Waste Management Plan.

Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

REASON: In the interest of proper planning and sustainable development.

#### 13. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

#### 14. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above.

In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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

REASON: In the interests of visual and residential amenity.

16. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

- (a) The proposed entrance gates to the development hereby consented shall be omitted
- (b) Details of the height, design and treatment of the screening to the proposed roof terraces

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014, the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

*Pamela Hughes*  
for Senior Planner

02-Jun-2023



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- Official Map Search
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**Please Note**  
Your current balance is €15

