



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Linda Horgan,
9 Court Cairn,
Model Farm Road,
Cork

23rd April, 2019

RE: R509/19 – Section 5 Declaration
Property: 9 Court Cairn, Model Farm Road, Cork

Dear Sir/Madam,

I am asked by Mr. Fearghal Reidy, Director of Services, Strategic Planning & Economic Development to refer to your request received on the 23rd March, 2019 for a Section 5 Declaration regarding whether the widening of a driveway to existing dwelling at 9 Court Cairn, Model Farm Road, Cork is development or exempted development.

Having regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Articles 6, 9 and 10 and Part 4 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the Planning Authority considers that –

the widening of the driveway to the existing dwelling at No. 9 Court Cairn, Model Farm Road, Cork **IS DEVELOPMENT** and that the development **IS NOT EXEMPTED DEVELOPMENT.**

Yours faithfully,


Senior Staff Officer,
Strategic Planning & Economic
Development Directorate



We are Cork.

PLANNER'S REPORT

Ref. R 509/19

Cork City Council
Development Management
Strategic Planning and
Economic Development

Application type	SECTION 5 DECLARATION
Question	<i>Whether the widening of a driveway to existing dwelling is development and, if so, is exempted development.</i>
Location	9 Court Cairn, Model Farm Road, Cork
Applicant	Linda Horgan
Date	18/04/2019
Recommendation	Is development and is not exempted development

INTERPRETATION

In this report 'the Act' means the Planning and Development Act, 2000 as amended and 'the Regulations' means the Planning and Development Regulations, 2001 as amended, unless otherwise indicated.

1. REQUIREMENTS FOR A SECTION 5 DECLARATION APPLICATION

Section 5(1) of the Planning and Development Act 2000 as amended states,

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The requirements for making a section 5 declaration are set out in the Act.

2. THE QUESTION BEFORE THE PLANNING AUTHORITY

The question to the planning authority is "is the widening of my driveway at No. 9 Court Cairn, Model Farm Road development and if so is it exempted development".

In my opinion the intention of the request is clear, and that it is entirely reasonable to consider the question before the planning authority as being:

Whether the widening of a driveway to existing dwelling is development and, if so, is exempted development.

3. SITE DESCRIPTION

The subject property is a two storey detached dwelling in the Residential, Local Services and Institutional Uses zoning area. The area is predominantly residential in nature.

4. DESCRIPTION OF THE DEVELOPMENT

The proposed development proposes the widening of the driveway to the existing dwelling house.

5. RELEVANT PLANNING HISTORY

TP 08/33367 Permission GRANTED For the construction of (a) ground and first floor extensions to the rear; (b) ground floor extension to side; (c) carry out

alterations including roof alterations to existing two storey dwelling house; (d) to extend and convert existing garage to habitable accommodation with use ancillary to the existing dwelling house and to allow for future conversions to an independent living unit for a family member who will require support; and all works associated with the above at No. 9 Court Cairn, Model Farm Road, Cork

6. LEGISLATIVE PROVISIONS

6.1 Planning and Development Act, 2000 as amended

Section 2(1)

“exempted development” has the meaning specified in section 4.

“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)

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1)(h)

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;

Section 4(2)

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001, as amended.

Section 4(3)

A reference in this Act to exempted development shall be construed as a reference to development which is—

- (a) any of the developments specified in subsection (1), or
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

Section 5(1)

See section 1 of this report.

6.2 Planning and Development Regulations 2001 to 2018 as amended

Article 5(2)

In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9

Article 9 sets out restrictions on exemptions specified under article 6.

Article 9(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

- (a) if the carrying out of such development would—
 - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users

(Article 6) Schedule 2, Part 1, Class 1

Classes 1-8 relate to development within the curtilage of a house and Class 6 relates to “the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such”.

Schedule 2, Part 1, Class 6

Exempted Development — General

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
The construction of any path, drain or pond or the carrying out of any landscaping works within the	The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

<p style="text-align: center;"><i>Column 1</i> <i>Description of Development</i></p>	<p style="text-align: center;"><i>Column 2</i> <i>Conditions and Limitations</i></p>
<p>curtilage of a house.</p> <p>(b) Any works within the curtilage of a house for—</p> <p>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</p> <p>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</p>	<p>Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,</p> <p>or</p> <p>if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.</p>

7. ASSESSMENT

7.1 Development

The first issue for consideration is whether or not the matter at hand is ‘development’, which is defined in the Act as comprising two chief components: ‘works’ and / or ‘any material change in the use of any structures or other land’.

In relation to the widening of the existing vehicle entrance and the provision of additional hard-standing within the front garden of the site, ‘works’ is defined in section 3(1) of the Act as including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’. I consider that the proposed element constitutes development as it comprises alteration of the existing vehicle entrance and additional hard-standing area. As the proposal comprises ‘works’, it is clearly therefore ‘development’ within the meaning of the Act.

CONCLUSION
Is development

7.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. Section 2(1) of the Act defines ‘exempted development’ as having ‘the meaning specified in section 4’ of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2).

Section 4(1)

I do not consider that the proposal comes within the scope of section 4(1) of the Act.

Section 4(2)

In my opinion this proposal comes within the scope of section 4(2) as the works relate to a the widening of a driveway. The substantive issues of the case are set out below.

It is therefore necessary to consider whether the proposed works come under the scope of section 4(2) (i.e. exemptions specified in the Regulations), having regard to the use of the word ‘or’ in section 4(3).

In terms of the access itself, it is considered the means of access to the public road would only be considered exempted development if it complies with Article 9(1)(a)(ii) above, specifically if the development would “*consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width*” It is noted that the surfaced carriageway of the public road exceeds 4 metres. In this regard the proposed widening of the vehicle access is not considered to be exempt.

While the application itself only relates to the widening of the driveway, it is noted that additional hard surfaced area is proposed to the front garden of the existing dwelling. The provision of the hard surfaced area to the front for parking (within the landholding of the applicant only) is considered exempt if it forms part of the curtilage of the house under Class 6(b)(ii) of the Planning and Development) Regulations 2001 to 2018 as amended with a limitation stating the following provisions:

“Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,

or

if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground”.

It is also noted that some of the works proposed are to take place outside of the area under the ownership of the applicant. Consent would be required for any development on lands outside of the applicants ownership were any works to take place.

I consider that the widening of the existing access would “*consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width*” therefore the proposed development is not considered to be exempted development.

CONCLUSION

Is not exempted development

8. ENVIRONMENTAL ASSESSMENT

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state,

Section 4(4),

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 4(4A)

Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and*
- (b) as respects which an environmental impact assessment or an appropriate assessment is required,*

to be exempted development.

Section 177U(9)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

8.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that **environmental impact assessment is not required**.

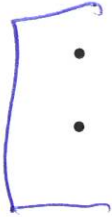
8.2 Screening for Appropriate Assessment

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required**.

9. RECOMMENDATION

In view of the above and having regard to —

*



- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and 10 and Part 4 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

the widening of the driveway to the existing dwelling at No. 9 Court Cairn, Model Farm Road, Cork **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.

Eoin Cullinane
Assistant Planner
22/03/2019

23 MAR 2019

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Strategic Planning & Economic
Development Directorate

Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

E-Mail planning@corkcity.ie
Fón/Tel: 021-4924564/4321
Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

9 COURT CAIRN
MODEL FARM ROAD, CORK T12 VN2H

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question:

Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Is the widening of my drive way at No 9 Court Cairn, Model Farm Road development and if so is it exempted development.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Currently we have 3 cars in the drive, there is no space outside on the street that does not impede access to other homes at our end of the street.

We have space to access in our front garden but the neck of the drive way is too narrow. we wish to use a small section of public area to facilitate this.

we have a high rate of use as our son has a disability so we have cars and tutors visiting who also park. Currently we have a series of moving cars from 4pm afternoon onwards 1 of 3 to prevent blocking neighbours entrances.

3. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s		
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
		If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:		
Existing/ previous use (please circle)	Proposed/existing use (please circle)	
<i>grass area public managed by cork city council</i>	<i>section of driveway</i>	

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		<i>LINDA HORGAN</i>	
Applicants Address		<i>9 COURT CAIRN MODEL FARM ROAD, CORK T12 VN2H</i>	
Person/Agent acting on behalf of the Applicant (if any):	Name:	/	
	Address:		
	Telephone:		
	Fax:		
	E-mail address:		
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	<i>boundaries my driveway</i>	
If you are not the legal owner, please state the name and address of the owner if available	<i>Cork City Council</i>	

6. I / We confirm that the information contained in the application is true and accurate:

Signature: *Nida Horgan*
Date: 21/3/2014

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

The Development Management Section, Strategic Planning & Economic Development
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution

9 Court Cairn,
Model Farm Road,
Cork
September 6th 2018

To whom it may concern

We are proposing to widen our driveway to remove visiting cars and a third family car from the street.

Reason for change:

Need for individual cars to enter and exit the driveway independently and so we can remove all cars associated with 9 Court Cairn off the street.

Situation:

2 parents, and 3 teenagers (20, 18 and 15). One has autism (18 year old) and he requires a child minder 2 afternoons a week and a tutor twice a week.

Proposal

To use the front garden space as a parking area but that still leaves the neck of the driveway too narrow to allow three cars enter and exit the drive independently. This requires using some of the public green space outside the boundary fence. This is public space is taken over by cork city council



Options:

The options of widening left and right have been reviewed. On the right when looking at the house from street level there are services ports. Please see picture, so widening here is not an option.



Irish water services (water in and drain out)



Service drains

To widen the neck of the driveway we would need to remove the section of the fence to where it meets the other fence (between house 8 & 9).



Section of fence to be removed.
Property of No 9.

The drive is 17m long but 8 m of this is public (outside our boundary fence). Please see photos.



Boundary line in driveway. Public space taken over by cork city ..



Boundary line

View of driveway from the view from the house. The view of the driveway in photo is outside the property boundary.



Boundary line

We are attaching drawings of the driveway and letters of support from our neighbours for the proposed changes.

If you have any queries or require any further information please do not hesitate to contact us

Kind Regards

Linda Horgan Colm Gleeson.

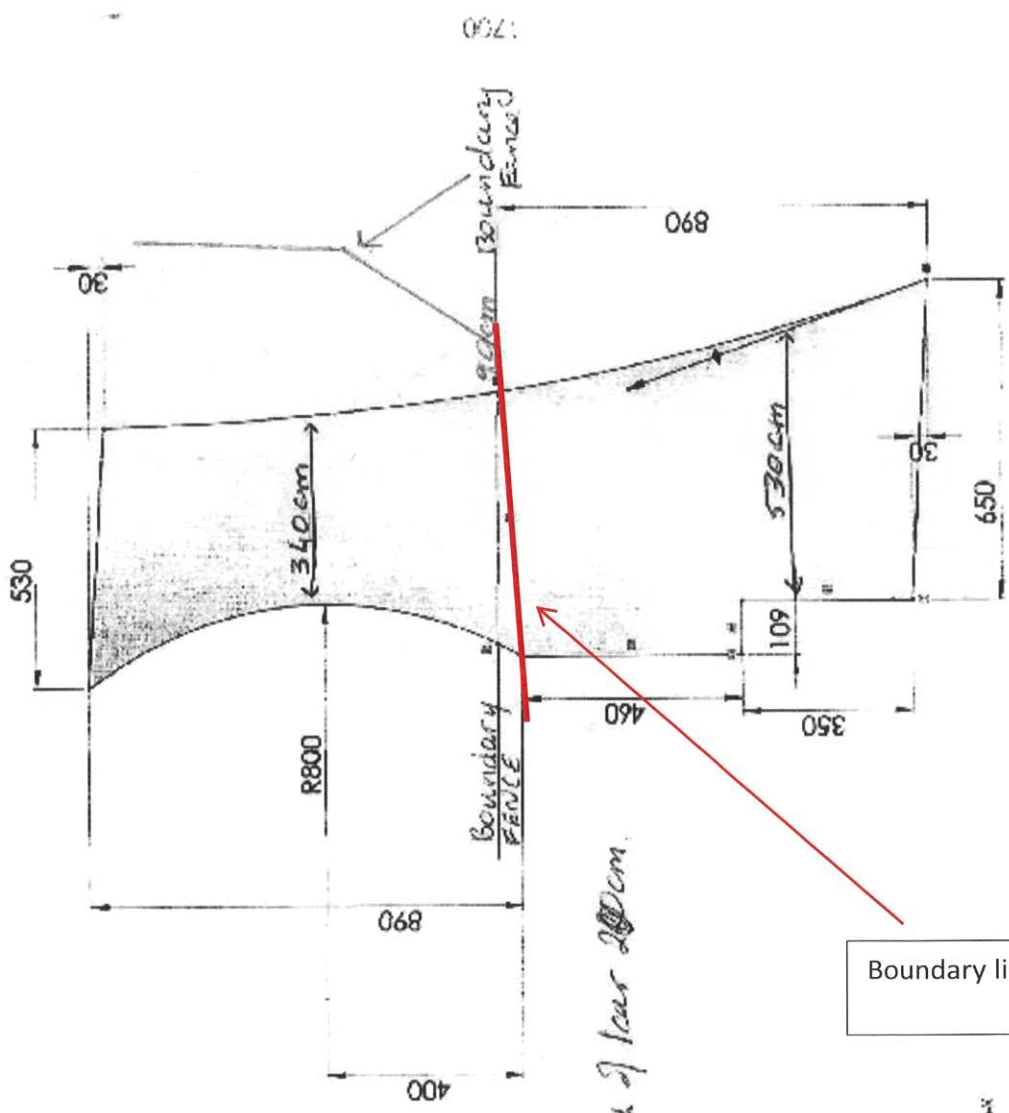
current clear wire

House no 8

road

House no 9

House no 10

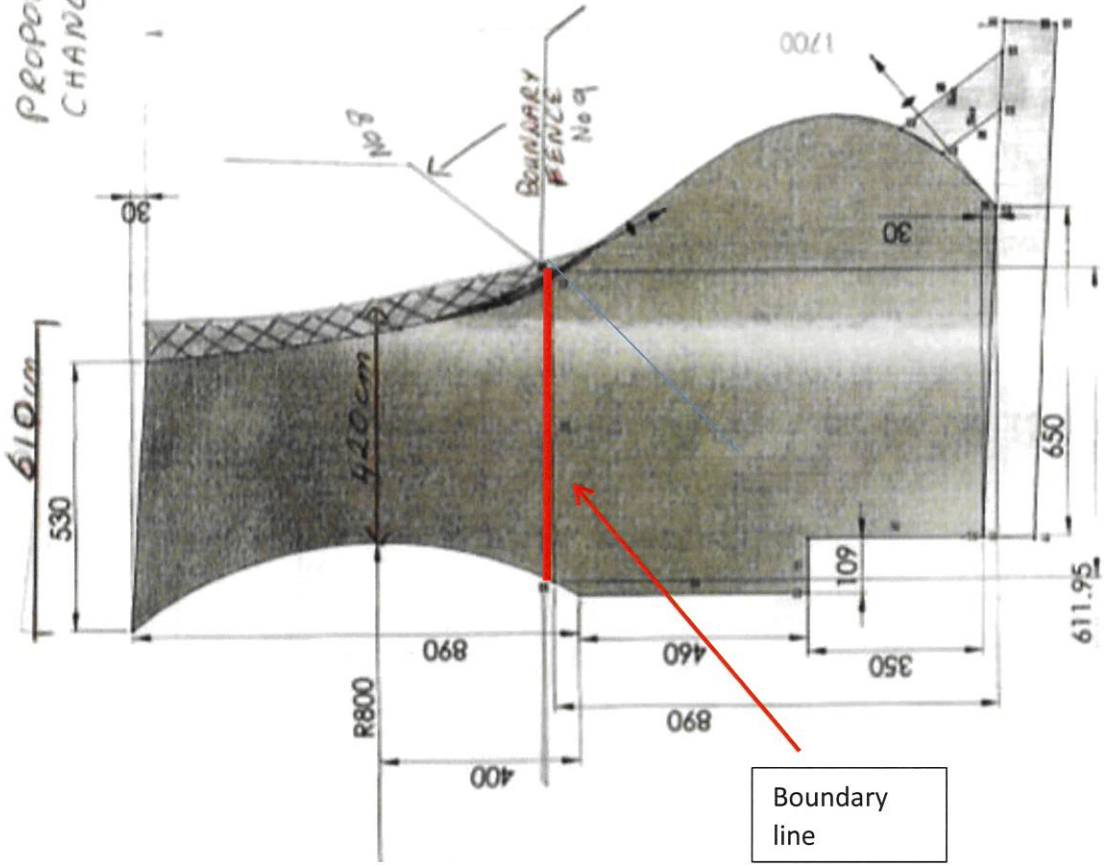


width of fence 200cm

Boundary line

7/4/19

PROPOSED
CHANGES 1



12 Court Cairn
Model Farm Road
Cork

Linda & Colm Gleeson
9 Court Cairn
Model Farm Road
Cork

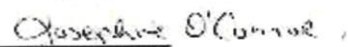
15 August 2018

Hi Linda & Colm,

I refer to your note which you dropped in on the 11th August and my further discussion with you on 13th August in connection with your proposal to widen your driveway to facilitate the parking of a third car.

Tommy and I don't have any issue with your proposal.

Kind regards,


Josephine O'Connor

10 Court Cairn,
Model Farm Road,
Cork
09/09/2018

To whom it may concern,

Ciaran O' Connor and Anne-Marie Dillon have no opposition to Linda Horgan and Colm Gleeson's proposal to widen their driveway between 8 Court Cairn and their house, 9 Court Cairn.

Yours faithfully,



Ciaran O' Connor
Anne-Marie Dillon



The Property Registration Authority
An tÚdarás Clárúcháin Maoine

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

linda
horgan
9 court cairn
model farm road
cork

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

Folio Number: CK70946F
Application Number: P2017LR018020E
Your Reference:

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.

Land Registry

County Cork

Folio 70946F

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

For parts transferred see Part 1(B)

No.

Description

Official Notes

1

A plot of ground known as Site no 9 Court Cairn, Model Farm Road, Bishopston situate in the Parish of St. Finbar and in the County Borough of Cork shown as Plan(s) 46 edged RED on the Registry Map , Book 17, Division 6.

From Folio CK68168F

The Registration does not extend to the mines and minerals

Land Registry

County Cork

Folio 70946F

Part 3 - Burdens and Notices of Burdens

No.	Particulars		
1	14-OCT-1996 D96CK11781T	The covenants and conditions specified in Instrument No. D96CK11781T relating to the use and enjoyment of the property.	
2	14-OCT-1996 D96CK11781T	Charge for the principal sums stamped to cover £135,000 specified in Instrument no. D96CK11781T repayable with interest. ICS Building Society is owner of this charge. Certificate of Charge issued. Rule 156	
	Cancelled	D2005CK015973J	30-JUN-2005
3	22-JAN-2003 D2003CK001305X	Charge for present and future advances repayable with interest. ICS BUILDING SOCIETY is owner of this charge. Certificate of Charge issued. Rule 156	
	Cancelled	D2005CK015973J	30-JUN-2005
4	08-JAN-2004 D2004CK000236J	Charge for present and future advances repayable with interest. ICS BUILDING SOCIETY is owner of this charge.	
	Cancelled	D2005CK015973J	30-JUN-2005
5	30-JUN-2005 D2005CK015973J	Charge for present and future advances repayable with interest. **(Maximum Duty €630 paid)** BANK OF IRELAND MORTGAGE BANK is owner of this charge. Certificate of Charge issued. Rule 156	



564280 mE, 570730 mN



**The Property
Registration Authority**
An tÚdarás
Clárúcháin Maoinne

Folio: CK70946F

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.pra.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

- (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.

1:1000 Scale

