

Bryan Egan

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CERTIFICATE/OPINION ON COMPLIANCE

Property: **Warehouse at Bothar na Mine, Ballybane, (Ballybaan Beg Td.) Galway.**
Indicated "M" the attached map.

I, Bryan Egan, CERTIFY that:

- 1 I am a Civil/Structural Engineer having qualified in 1987. I am a chartered member and a Fellow of the Institution of Engineers of Ireland. I have been in independent private practice on my own account since 1981 or thereabouts. All work by me is covered by P.I. Insurance (Details attached)
- 2 I have been retained by McCambridges Wholesale Ltd., to inspect the above-mentioned property including the warehouse building and all/any extensions/modifications thereto and associated services, and all/any other developments thereon hereinafter referred to as "the relevant works" with a view to providing evidence for title purposes of the compliance of the relevant works with the requirements of planning legislation.
- 3 I visited the offices of the Planning Authority (Galway City Council) and there inspected the planning register and noted details of all entries on the register, and I inspected all the associated files that could be found, relating to the property or to the relevant works.
- 4
 - a) Under reference **24912** planning permission (copy of decision dated 04/08/1977 attached) was granted for alterations of approved proposal for the industrial/commercial development that includes the site of the relevant works. There were six conditions attached – including one financial condition.
 - b) Since 24912 relates to alterations to an already approved proposal, there must have been another (earlier) planning file. I certify that City Council were unable to locate the file relating to 24912 or the earlier file or even its reference number. This is probably due to the fact that 24912 and the earlier file were the responsibility of Galway Co. Council (prior to the 1986 expansion of the City Boundary).
 - c) Under reference **321/79** planning permission (copy attached) incorporating bye-law approval was granted on 28/09/1979 for the entire warehouse building on the subject site. There were five conditions attached – none of a financial nature.
 - d) Under reference **119/86** unconditional planning permission (copy attached) incorporating bye-law approval was granted on 20/05/1986 for construction of a boilerhouse, oil tank and oil-tank enclosure to the warehouse unit.
 - e) There are no other entries on the register as maintained by the Planning Authority. That is: no other planning applications, permissions, bye-law applications, refusals, revocations, agreements, declarations, preservation orders, warning letters, enforcement notices, or the like.

- 5 I inspected the property and the relevant works on 20/06/2007.
- 6 I am of the opinion that the relevant works are constructed in accordance with the permissions granted and all conditions attached.
- 7 I am of the opinion that there are no other developments on the property or of the relevant works for which planning permission would have been required.
- 8 In particular, I am of the opinion that:
- The mast structure (for a CCTV security camera) that is on the property is an exempted development in accordance with Section 4(1)(h) of the Planning & Development Act, 2000.
 - The sub-division of the property into separate units is not a development in planning terms as such sub-division does not involve any works (other than works which are in themselves exempted development) and there are no special conditions on the relevant permissions restricting or prohibiting such sub-division.
 - The construction of the (side) boundary wall and the laying-out of the parking spaces inside that boundary wall is an exempted development in accordance with Section 4(1)(h) of the Planning & Development Act, 2000. (321/79 allowed for a wall to be constructed about 5m closer to the building such that the parking spaces would be outside of the wall)
 - The construction of the warehouse building somewhat larger (about 4m/5m longer) than authorised in 321/79 is an exempted development in planning terms in accordance with Section 4(1)(h) of the Planning & Development Act, 2000, and insofar as there are no special conditions on the relevant permissions restricting or prohibiting such extension.

BOUNDARIES / IDENTITY

- 9 The physical boundaries of the property
- are clearly and unambiguously delineated.
 - coincide with those indicated on the attached map
 - coincide with those indicated in the relevant planning files.
 - coincide with those indicated on the plan filed in folio GY16782F

PLEASE NOTE

- 10 I was not involved in any way with construction on this property. My inspection was a superficial one only taking no account of work covered up. The comparison of the boundaries with the various maps was visual only. This opinion is not a report or survey on the physical condition or on the structure of the relevant works nor does it warrant, represent or take into account any of the following matters:-
- Matters in respect of private rights or obligations
 - Development occurring after the date of my inspection
 - The uses to which the relevant works are put
 - Compliance with Building Regulations or Building Control Regulations.



22/6/2007

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**Mr. Bryan Egan,
B Eng., C Eng., M.I.E.I.
Chartered Consulting Engineer,
12 St Francis St.
Galway**

RE : Professional Indemnity Policy – Bryan Egan
Insurer : W.R. Berkeley
Business : Engineer.

Our ref : GB/MC

12/3/07

Dear Bryan,

We are pleased to confirm the following policy details :

Cover : Legal Liability to pay compensation arising out of Professional Negligence.

Policy number : IPR PIA 05102585

Limit of Indemnity : €650,000 any one claim.

Excess: €3,500 each and every claim, including costs and expenses

Period of cover : 12/3/07 to 12/3/08

The business for which indemnity is provided by this policy is :

Engineer.

We confirm that the policy is in force and in order.

Yours sincerely

Gary Browne - Cert CII

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Urban PLACE Map

Surveyed 1976-1991
 Revised 2005
 Levelled 1976-1992

Part M is the property to which the certificate/opinion on compliance, issued by me on 22/06/2007 and of which this map is a part, refers. Outlined in red is the property to which the relevant planning permission (321/79) refers.

TS mlj - EGS
 22.6.2007

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ITM CENTRE PT. COORDS:
 532205,727238

DESCRIPTION

MAP SHEETS

1:1000
 3346-16 3346-11

BRYAN EGAN
 © O.S.I. EN 0012

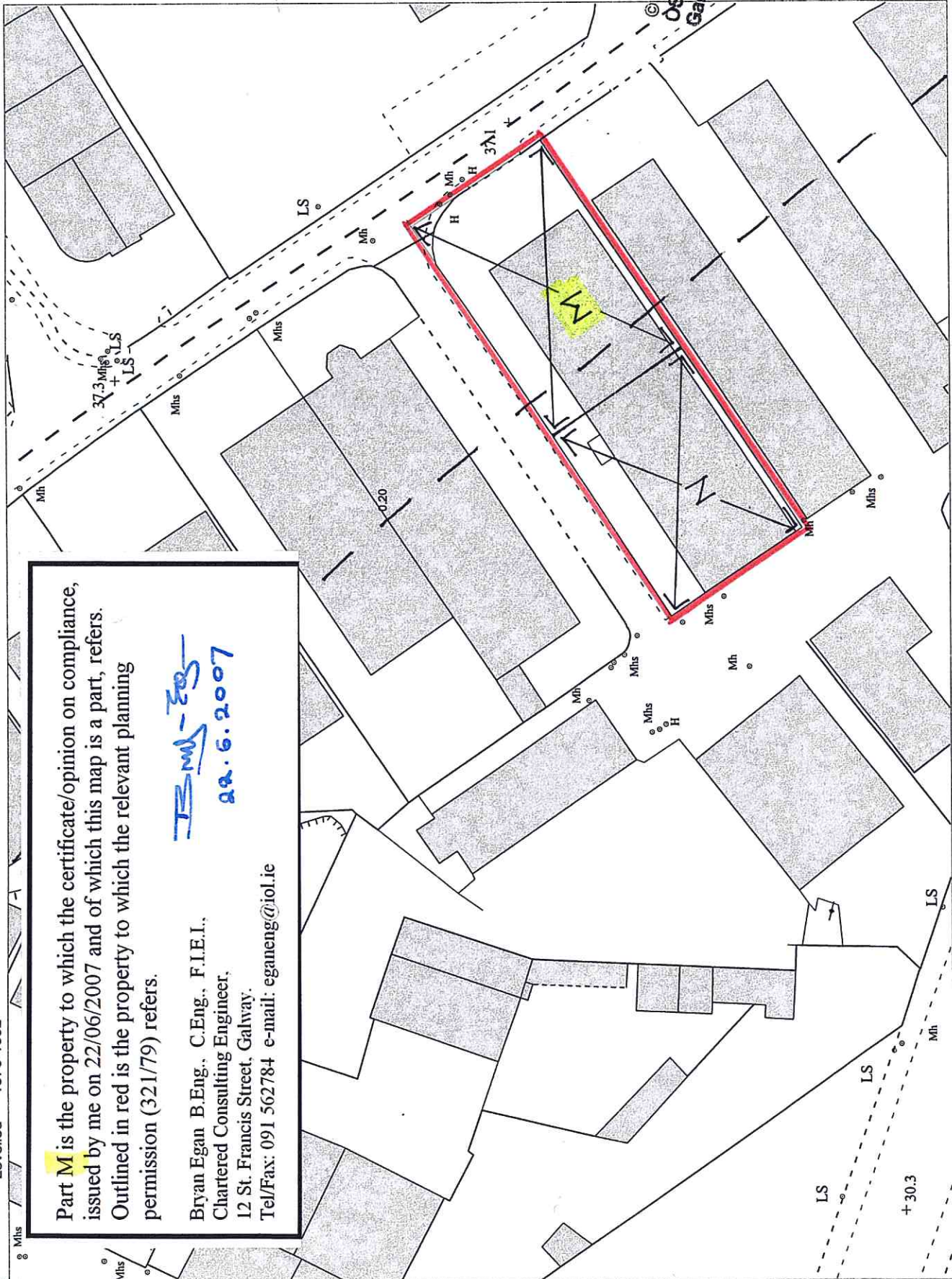


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 Prospect Hill, Co. Galway
 On behalf of Ordnance Survey Ireland,
 Phoenix Park, Dublin 8.

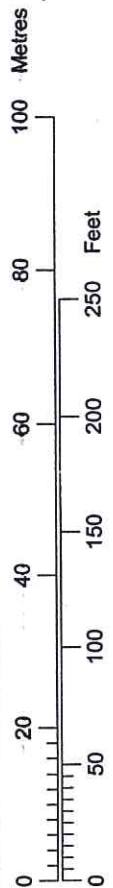
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 Shuirbhíreach Ordnáis Éireann agus
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OS Authorised Agent
Gallimh

Geach cead cosantáil. Ní ceadaítear aon chuid
 den fhaisnéis seo a chloí, a airdgeadh nó
 a tharhair in aon thóir ná ar aon bhealach gan
 cead i scríbhinn roimh ré ó úinéir an chóipchirt.
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Plot Ref. No. 1168256_3_6
 Plot Date 22-NOV-2006



Scale:- 1:1,000
 Scala:- 1:1,000

132356 227205 227123 132356

Urban PLACE Map



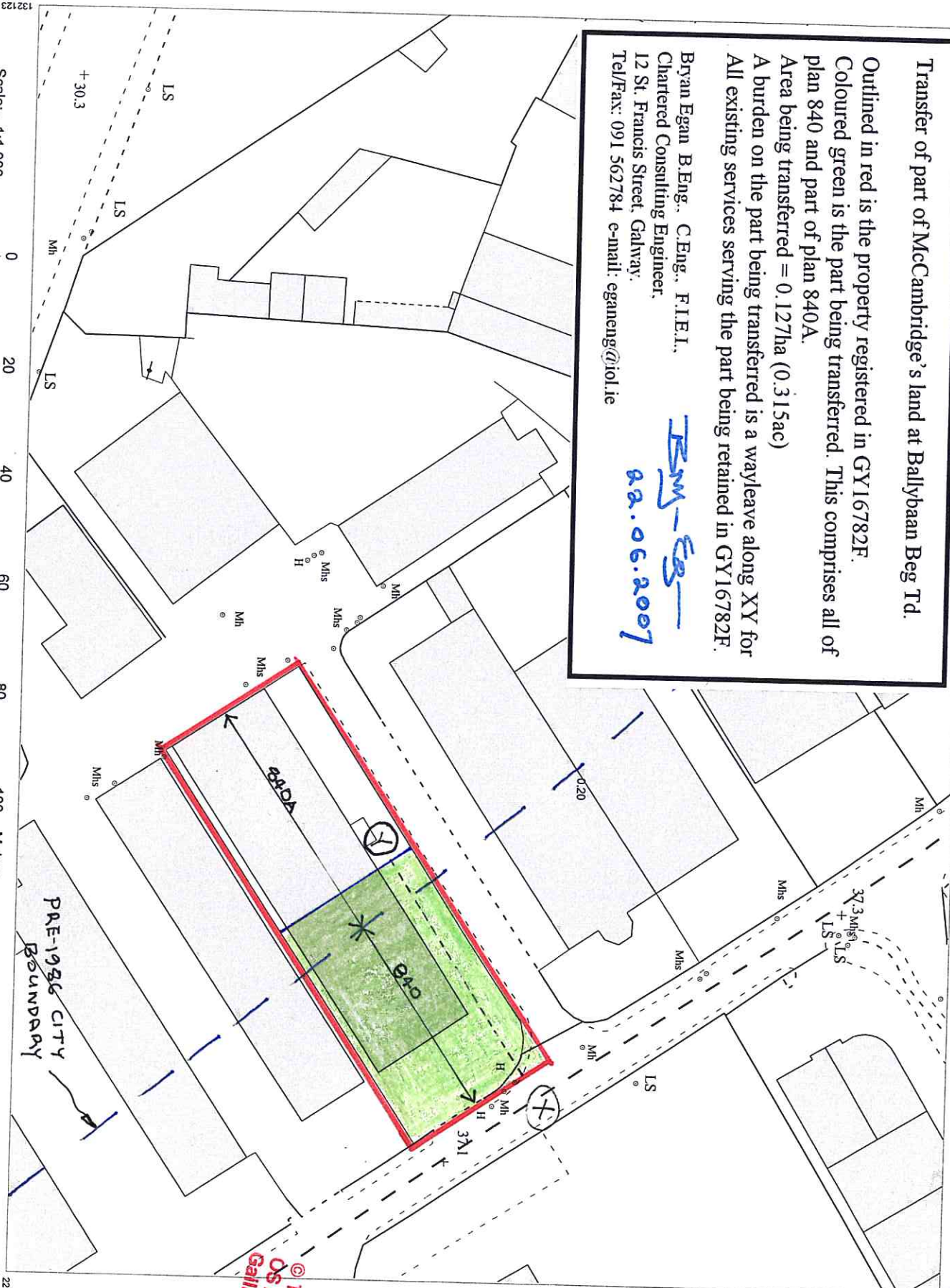
227295

ITM CENTRE PT. COORDS
532205,727238

Transfer of part of McCambridge's land at Ballyban Beg Td.
 Outlined in red is the property registered in GY16782F.
 Coloured green is the part being transferred. This comprises all of
 plan 840 and part of plan 840A.
 Area being transferred = 0.127ha (0.315ac)
 A burden on the part being transferred is a wayleave along XY for
 All existing services serving the part being retained in GY16782F.

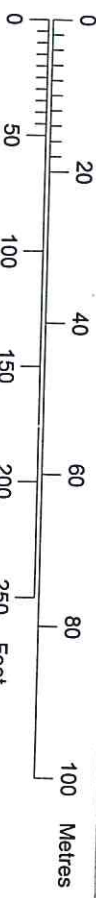
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ESW-ES
aa.06.2007



PRE-1936 CITY
 BOUNDARY

Scale:- 1:1,000
 Scála:- 1:1,000



Plot Ref. No. 1168256_3_6
 Plot Date 22-NOV-2006



Produced by The Map Store,
 Galway County Council, County Buildings,
 Prospect Hill, Co. Galway
 On behalf of Ordnance Survey Ireland,
 Phoenix Park, Dublin 8.

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 Shriamreach, Ordánas Éireann agus
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 Ordnance Survey Ireland, Government of Ireland
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Galilimh

Gach cead cónamh, Ní ceamhach son chuid
 den fhaisceachán seo a chloipeáil, a rialú nó
 a thaircúir in aon fhorm ná ar aon bhealach gan
 cead i scríobh nó i bfuilín an cúlchruinn.
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