

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

**Martin Beirne,**

**Reference Number: DED 567**

**Application Received: 29<sup>th</sup> May, 2023**

**Location: Lisnahoon, Knockcroghery, Roscommon, F42 X447.**

**WHEREAS** a question has arisen as to whether proposed works consisting of an extension to rear of property (12sq.m. at first floor level & 27 sq.m. at ground floor) at Lisnahoon, Knockcroghery, Co. Roscommon, F42 X447 is or is not development or is or is not exempted development.

**AND WHEREAS** Roscommon County Council, in considering this application, had regard particularly to:

- (a)** Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b)** Articles 6 and 9 of the Planning and Development Regulations 2001, (as amended).
- (c)** Class 1 of Part 1, Schedule 2, of the Planning and Development Regulations, 2001 (as amended).
- (d)** The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).

**AND WHEREAS** Roscommon County Council has concluded that:

- (a)** The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- (b)** The proposed development is exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.

**NOW THEREFORE:**

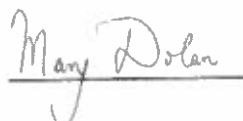
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of an extension to rear of property (12sq.m. at first floor level & 27 sq.m. at ground floor) at Lisnahoon, Knockcroghery, Co. Roscommon, F42 X447 constitutes development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

**ADVICE NOTE**

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the said Council

A handwritten signature in cursive script, reading "Mary Dolan", written over a horizontal line.

**Administrative Officer,  
Planning.**

**Date: 23<sup>rd</sup> June, 2023**

## Mary Dolan

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**From:** Planning Department  
**Sent:** Monday 26 June 2023 17:43  
**To:** [REDACTED]  
**Subject:** DED 567 Notification of Decision on Section 5 Declaration.  
**Attachments:** DED 567 Section 5 Declaration - Notification of Decision.pdf

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 567 Section 5 Declaration .

Mise le meas,

**Mary Dolan, Administrative Officer, Planning,**  
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.  
☎ (090) 6637176 ✉ [marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)  
**Please address all e-mail correspondence to [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)**  
🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



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Correspondence issuing from the Planning Section in Roscommon County Council will generally be in electronic form only, except in instances where an e-mail address has not been provided.

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**Planner's Report on application under Section 5 of the  
Planning and Development Act, 2000, as amended**

**Reference Number:** DED 567

**Name and Address of Applicant:** Martin Beirne

**AGENT:** Ignatious Gaynor  
Fallon Avenue,  
Roscommon.

**WHEREAS** a question has arisen as to whether 'a proposed extension to rear of property, 12sqm, at first floor level and 27sq.m at ground floor' at Lisnahoon, Knockcroghery, Co Roscommon is or is not development and is or is not exempted development:

**1.0 Site Location and Description**

The site is located on a local road c 700 m north west of the settlement boundary of Knockcroghery. The site consists of a two storey derelict dwelling and an outer granary. The extension subject of this Section 5 application has already been constructed to the rear of the dwelling.

**2.0 Planning History**

No recent relevant planning history.

**3.0 Relevant Legislation**

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- (b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- (c) Class 1, Part 1, Schedule 2 of the of the Planning and Development Regulations 2001 (as amended)
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended);

**Planning and Development Act, 2000 (as amended)**

**Section 2 (1)**

"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 (2) of the Planning and Development Act provides that the Minister, 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.

### Planning and Development Regulations, 2001 (as amended)

#### Schedule 2, Part 1

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b></p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<ol style="list-style-type: none"> <li> <p>(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of</p> </li> <li> <p>Any extension above ground level shall not exceed 20 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p> </li> <li> <p>Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> </li> <li> <p>(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> </li> </ol>

	<p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.  (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.  (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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#### 4.0 **Planning Assessment**

The question to be determined in this Section 5 declaration is whether ‘a proposed extension to rear of property, 12sqm, at first floor level and 27sq.m at ground floor’ is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the ‘a proposed extension to rear of property, 12sqm, at first floor level and 27sq.m at ground floor’ constitute works and is therefore development.

Having considered the definition of both “works” and “development” outlined above, I would deem that the aforementioned form of development constitute works and is therefore development. To assess whether these works are exempt development consideration was given to Class 1 Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended). While no floor plans or elevations of the extension has been submitted, it is considered that sufficient information to assess the application can be derived from the layout plan and a site visit. Having considered all of the information presented I am satisfied that the development as indicated on the site layout plan and information submitted falls within the remit of class one outlined above and satisfies the conditions and limitations set out in column 2.

#### **Environmental Considerations :**

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended.

The site is located 2km km away from Lough Ree SAC and SPA. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to and distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development and not of a nature set out in Article 9 (1)(a) of the Planning and Development Regulations 2001 as amended.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows: **'a proposed extension to rear of property, 12sqm, at first floor level and 27sq.m at ground floor'** at Lisnahoon, Knockcroghery, Co Roscommon is development and is exempted development:

## 5.0 Recommendation

WHEREAS a question has arisen as to **'a proposed extension to rear of property, 12sqm, at first floor level and 27sq.m at ground floor'** at Lisnahoon, Knockcroghery, Co Roscommon is development and is exempted development, **and is or is not exempted development:**

**I have considered this question, and I have had regard particularly to –**

- a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 1, Part 1, Schedule 2 of the of the Planning and Development Regulations 2001 (as amended)
- d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended);

**AND WHEREAS I have concluded that**

**'a proposed extension to rear of property, 12sqm, at first floor level and 27sq.m at ground floor'** is development and is exempted development  
and I recommend that a declaration to that effect should be issued to the applicant.



Signed: \_\_\_\_\_ Date: 23<sup>rd</sup> June 2023  
Paula Connaughton  
South Roscommon Area Planner.

Martin Beirne,

Date: 8<sup>th</sup> June, 2023.

Planning Reference: DED 567

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: A proposed extension to rear of property, 12 sq., at first floor level and 27 sq.m at ground floor at Lisnahoon, Knockcroghery, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 29<sup>th</sup> May, 2023, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. **L01/0/222981** dated 30<sup>th</sup> May, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 567**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,



Administrative Officer,  
Planning.





Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## **Roscommon County Council**

### **Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development**

Name:	Martin Beirne
Address:	[REDACTED]
Name & Address of Agent:	None
Nature of Proposed Works	Extension to rear of property. 12 sq.m at first floor level and 27 sq.m at ground floor.
Location (Townland & O.S No.)	Lisnahoon.
Floor Area	39 sq.m
Height above ground level	4750cm
Total area of private open space remaining after completion of this development	Circa 1 acre.
Roofing Material (Slates, Tiles, other) (Specify)	Mineral Felt.
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Glass panelling at ground floor, plastered finished at first floor. Standard grey plaster.
Is proposed works located at front/rear/side of existing house.	To Rear.

## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Has an application been made previously for this site	No.
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Residential
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	16.5 metres.
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

Signature:

Martin Byrne

Date:

29/5/23



**Note:** This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed

**Sharon Kelly**

---

**From:** Martin Beirne [REDACTED]  
**Sent:** Tuesday 30 May 2023 15:40  
**To:** Planning Department  
**Subject:** Re: Exempted Development for Planning Permission.

Hi,

This has been paid,

Many thanks  
Martin Beirne

Sent from my iPhone



On 30 May 2023, at 11:29, Planning Department <Planning@roscommoncoco.ie> wrote:

Good morning Martin,

I refer to your application for a declaration under Section 5 of the Planning & Development Act 2000 (as amended).

I wish to advise that in order to progress your application a fee in the sum of €80.00 is required.

Please contact Roscommon County Council's Cash Desk at 090 6637108 and quote your application reference no. DED 567 in order for payment to be made. Following payment being made please advise [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie) of the receipt number and your application will be considered further.

Regards,

Caroline Mockler

**Caroline Mockler | Senior Staff Officer | Roscommon County Council**

**☎: (090) 6637100 | ✉: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie) | [www.roscommoncoco.ie](http://www.roscommoncoco.ie)**

**Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 [MAP LOCATION](#)**

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<image002.png>

<image003.png>

<image004.png>

<image005.png>

<image006.png>

**From:** martin beirne [REDACTED]  
**Sent:** Monday 29 May 2023 11:55  
**To:** Planning Department <Planning@roscommoncoco.ie>  
**Subject:** Re: Exempted Development for Planning Permission.



Hi,

Please see attached documents relating to proposed development.

The development consists of a part single storey extension of 27 sq.m and part two storey level of 12 sq.m.  
Located to the rear of a two storey detached residential home.

Constructed with a RSJ frame at single storey level, with walls of metal frame & double glazed units and with double glazed patio doors.

With a flat insulated roof of timber joists and mineral felt finish.

First floor level constructed of timber frame, with a plastered finish and with a flat insulated roof of timber joists with mineral felt finish.

Kind Regards  
Martin Beirne

On Fri, Mar 31, 2023 at 3:46 PM Planning Department <Planning@roscommoncoco.ie> wrote:

Dear Martin,

I refer to your email received on 29/03/2023.

If you wish for the Planning authority to provide a determination as to whether or not your proposed development requires planning permission you may apply for a Section 5 declaration of Exempted Development.

In order to apply for a Section 5 Declaration, it is necessary for the applicant to submit the following:

- Site Location map to a scale of 1:2500 clearly identifying the location
- Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- Detailed specification of development proposed
- €80.00 fee

The planning authority shall issue the declaration, within 4 weeks of receipt of the request. The planning authority may require further information to be submitted to enable the authority to issue the declaration. In this regard, a declaration shall issue within three weeks of the receipt of this further information.

I attach hereto an application form for a Section 5 Declaration for your convenience.

Regards,

Caroline Mockler



**Caroline Mockler | Senior Staff Officer | Roscommon County Council**

**☎: (090) 6637100 | ✉: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie) | [www.roscommoncoco.ie](http://www.roscommoncoco.ie)**

**Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 [MAP LOCATION](#)**

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<image002.png>

<image003.png>

<image004.png>

<image005.png>

<image006.png>

**From:** martin beirne [REDACTED]  
**Sent:** Wednesday 29 March 2023 11:29  
**To:** Planning Department <[Planning@roscommoncoco.ie](mailto:Planning@roscommoncoco.ie)>  
**Subject:** Exempted Development for Planning Permission.



Hi,

I was asked to contact you to confirm that works that I intend to do to a property would be exempted development. I intend to carry out largely repair/refurbishment works to a property located at Lisnahoon, Knockcroghery, Roscommon, F42 X447.

Where i would extend this property to the rear, such an extension would be under the 40 sq.m in area.

How can I confirm that these works would be exempted from planning permission.

Regards

Martin Beirne

This message is for the named person's use only. If you received this message in error, please immediately delete it and all copies and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. Any views expressed in this message are those of the individual sender and not of Roscommon County Council.

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**Valerie Mangan**

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**From:** Caroline Mockler  
**Sent:** Monday 29 May 2023 12:03  
**To:** Valerie Mangan  
**Subject:** FW: Exempted Development for Planning Permission.  
**Attachments:** Beirne.pdf; May 29, Martin Beirne Declaration.pdf

Hi Valerie,

Can you please print and record in Post Register.

Thanks

Caroline



**From:** martin beirne [REDACTED]  
**Sent:** Monday 29 May 2023 11:55  
**To:** Planning Department <Planning@roscommoncoco.ie>  
**Subject:** Re: Exempted Development for Planning Permission.

Hi,

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In order to apply for a Section 5 Declaration, it is necessary for the applicant to submit the following:

- Site Location map to a scale of 1:2500 clearly identifying the location
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I attach hereto an application form for a Section 5 Declaration for your convenience.

Regards,

Caroline Mockler

**Caroline Mockler | Senior Staff Officer | Roscommon County Council**

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Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 MAP LOCATION



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council





**From:** martin beirne [REDACTED]  
**Sent:** Wednesday 29 March 2023 11:29  
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**Subject:** Exempted Development for Planning Permission.

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# OSi PLACE Map



Tallte  
Éireann

CENTRE  
COORDINATES:  
ITM 592891 758660

PUBLISHED: 09/05/2023 ORDER NO.: 50333576\_1

MAP SERIES: 1:5,000 MAP SHEETS: 2609

COMPILED AND PUBLISHED BY:  
National Mapping Division of  
Tallte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08P6E4

[www.tallte.ie](http://www.tallte.ie)

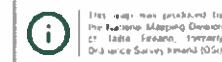
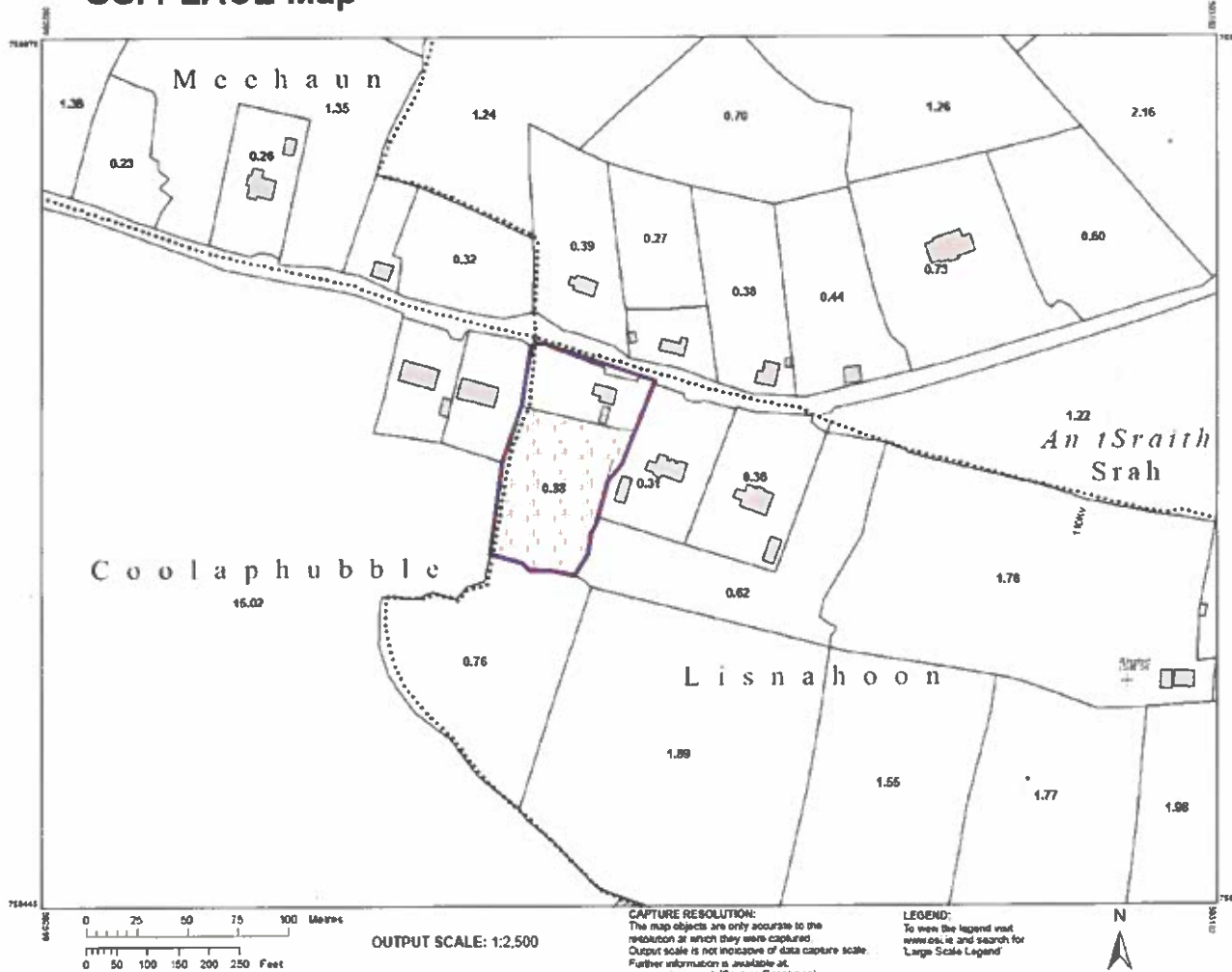
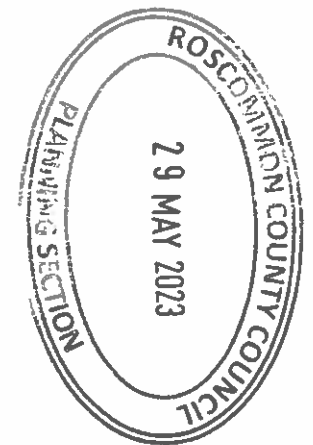
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MOLESKIN

male park, roscommon  
+353 86 348 2387  
[info@moleskinarchitecture.com](mailto:info@moleskinarchitecture.com)  
[www.moleskinarchitecture.com](http://www.moleskinarchitecture.com)

project 23.4.157\_Berne

dwg no. 23.4.157\_1/4

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scale 1:2500 = A3

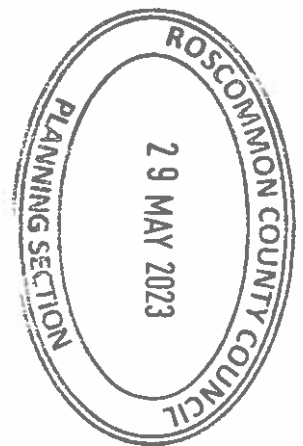


**EXISTING SITE LAYOUT**  
1:500 @ A3



**PROPOSED SITE LAYOUT**  
1:500 @ A3

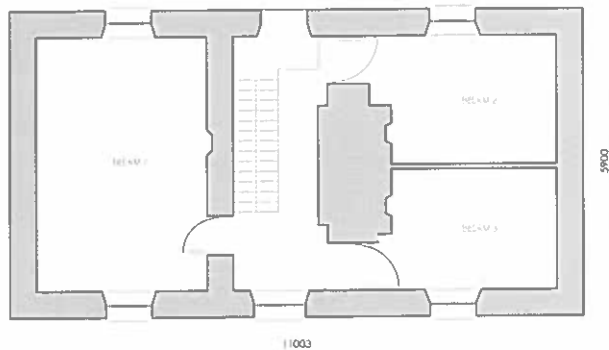
Proposed Extension  
Total Area 39sqm



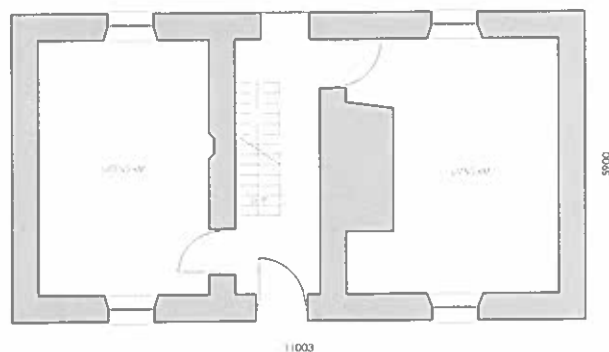


**MOLESKIN**  
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info@moleskinarchitecture.com  
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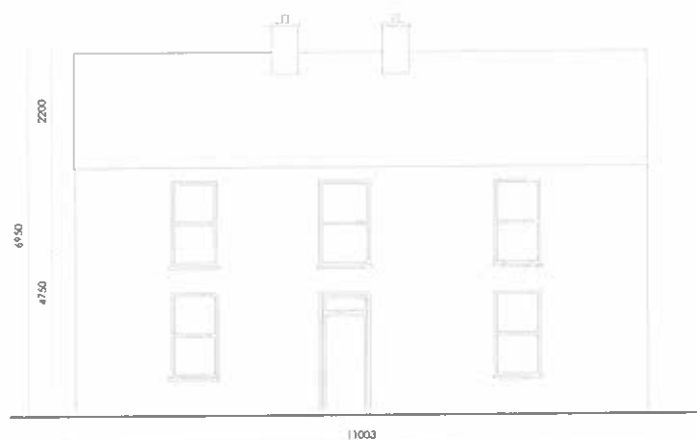
project 23.4.157_Borne	dwg no. 23.4.157.2/4
title Existing & Proposed Site Layouts	scale 1:500 @ A3



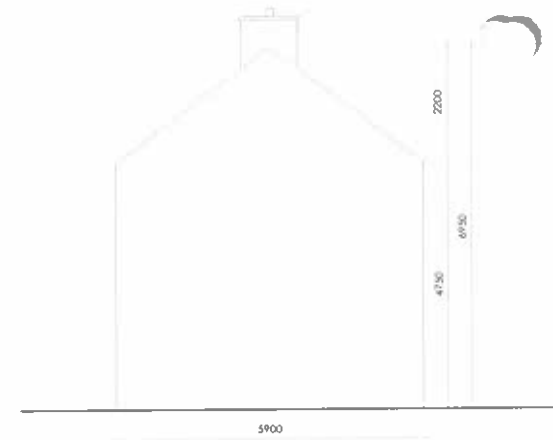
**UPPER FLOOR PLAN**  
1:100 @ A3



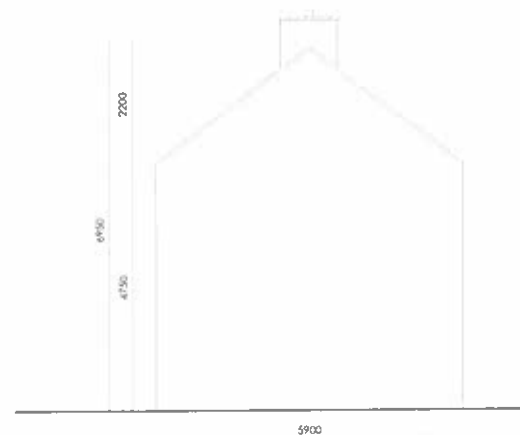
**GROUND FLOOR PLAN**  
1:100 @ A3



**FRONT (NE) ELEVATION**  
1:100 @ A3



**SIDE (SE) ELEVATION**  
1:100 @ A3



**SIDE (NW) ELEVATION**  
1:100 @ A3



**REAR (SW) ELEVATION**  
1:100 @ A3



## MOLESKIN

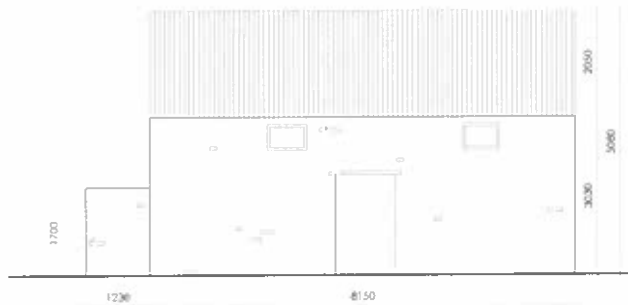
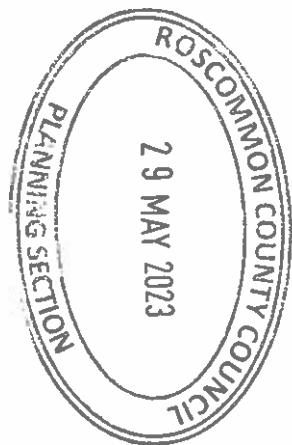
mole park, roscommon  
+353 86 348 2387  
info@moleskinarchitecture.com  
www.moleskinarchitecture.com

project 23.4.157\_Beine

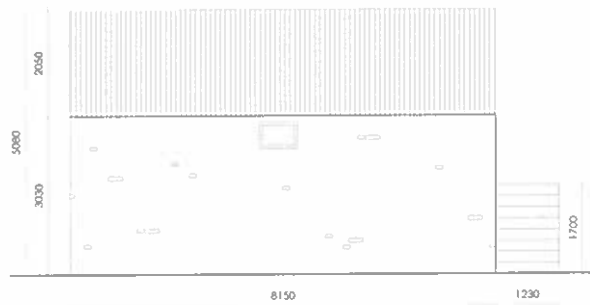
title Existing Plans & Elevations

dwg no. 23.4.157\_3/4

scale 1:100 @ A3



**GRANARY SE ELEVATION**  
1:100 @ A3



**GRANARY NW ELEVATION**  
1:100 @ A3



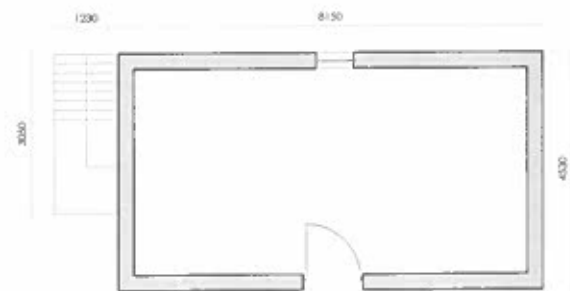
**GRANARY NE ELEVATION**  
1:100 @ A3



**GRANARY SW ELEVATION**  
1:100 @ A3



**GRANARY UPPER PLAN**  
1:100 @ A3



**GRANARY GROUND PLAN**  
1:100 @ A3



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project 23-4-157\_Beirne

title Granary Plans & Elevations

dwg no. 23-4-157\_A14

scale 1:100 @ A3

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

30/05/2023 15:39 10

Receipt No L01/0/222981

MARTIN BEIRNE  
[REDACTED]

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED567	

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
6372

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office