

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Patrick Mullen,



Reference Number: DED 647

Application Received: 17th January 2024

Name of Applicants: Patrick Mullen

Agent: Moleskin Architecture, Mote Park, Roscommon.

WHEREAS a question has arisen as to whether the renovation of an existing bungalow which has been vacant for several years, no alterations to existing footprint or primary elevations at Munsboro, Mullymucks, Co. Roscommon., is or is not development and is or is not exempted development:

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

- (a) Sections 2, 3, 4 and 5 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 6 of Part 1 Article 6 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 Acts 2000 (as amended).
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) External works to the existing dwelling house including stripping the existing roof, replacing the timbers and reinstating the roof, reinstating the rainwater ware, upgrading the windows and doors with similar/vernacular style, externally insulating the house and inspection and appropriate renewal of drainage is exempted development.
- (c) Internal works to the existing dwelling house including alterations to internal structure to create open plan living/dining and kitchen area, demolition and reinstatement of chimneys (to make good and structurally sound), removing existing flooring and installation of damp proofing, insulation and underfloor heating, fitting new kitchen and bathroom, re-plumbing, rewiring and installing a mechanical ventilation system, insulation of internal ceilings and attic, installation of new laminate flooring and tiling, fitting of new internal doors, architraves and skirting and painting and decorating is exempted development.
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

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 development **to renovate the existing bungalow which has been vacant for several years, no alterations to existing footprint or primary elevations at Munsboro, Mullymucks, Co. Roscommon. is development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

A handwritten signature in black ink, appearing to read 'Alan O'Connell', is written over a horizontal line.

**Alan O'Connell,
Senior Executive Planner,
Planning.**

Date: 7th February 2024

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

Reference Number: DED 647

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate existing bungalow which has been vacant for several years, no alterations to existing footprint or primary elevations at Munsboro, Mullymucks, County Roscommon

Applicant(s): Patrick Mullen

Date: 2nd February 2024

WHEREAS a question has arisen as to whether to renovate existing bungalow which has been vacant for several years, no alterations to existing footprint or primary elevations at Munsboro, Mullymucks, Roscommon is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 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 6 of Part 1 Article 6 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 Acts 2000, as amended
- (e) The planning history of the site

Site Location & Development Description

The subject dwelling house is located in Munsboro, Mullymucks, Roscommon. Accessed off the L70021 Local Tertiary Road, the subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated site is Corbo Bog SAC (Site Code: 002349), which is approximately 5.6km from the subject site. As per the Roscommon County Council GIS, there are no known heritage related sites/structures in very close proximity to the subject site.

The proposal includes renovating the existing bungalow with no alterations to existing footprint or primary elevations. The proposed external works are specified as follows:

- Stripping the existing roof, replacing the timbers and reinstating the roof
- Reinstating the rainwater ware
- Upgrading the windows and doors with similar/vernacular style
- Externally insulating the house
- Inspection and appropriate renewal of drainage

The proposed internal works are specified as follows:

- Alterations to internal structure to create open plan living/dining and kitchen area
- Demolition and reinstatement of chimneys (to make good and structurally sound)
- Removing existing flooring and installation of damp proofing, insulation and underfloor heating
- Fitting new kitchen and bathroom
- Re-plumbing, rewiring and mechanical ventilation system installed to house
- Insulation of internal ceilings and attic
- Installation of new laminate flooring and tiling
- Fitting of new internal doors, architraves and skirting
- Painting and decorating

Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

Relevant Legislation

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)

Article 4(1)(h): The following shall be exempted developments for the purposes of this Act—*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*

Article 6:

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and limitations specified in column 2 of Part 1.

Article 9 (1) applies:

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—

viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site

Schedule 2, Part 1, Exempted Development – General

<i>Development within the curtilage of a house</i>	
Class 6	
Description of Development	Conditions and Limitations
(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.	The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.
(b) Any works within the curtilage of a house for –	
<ul style="list-style-type: none"> 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, 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>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, 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 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>

Assessment

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "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". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposed external works are specified as follows:

- Stripping the existing roof, replacing the timbers and reinstating the roof
- Reinstating the rainwater ware
- Upgrading the windows and doors with similar/vernacular style
- Externally insulating the house

These works are considered exempted development in the context of Section 4 (1)(h) of the Act, 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.

Inspection and appropriate renewal of drainage comes within the scope of Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, and is exempted development.

The proposed internal works are specified as follows:

- Alterations to internal structure to create open plan living/dining and kitchen area
- Demolition and reinstatement of chimneys (to make good and structurally sound)
- Removing existing flooring and installation of damp proofing, insulation and underfloor heating
- Fitting new kitchen and bathroom
- Re-plumbing, rewiring and mechanical ventilation system installed to house
- Insulation of internal ceilings and attic
- Installation of new laminate flooring and tiling
- Fitting of new internal doors, architraves and skirting
- Painting and decorating

These works are considered exempted development in the context of Section 4 (1)(h) of the Act, 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.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

WHEREAS a question has arisen as to whether to renovate existing bungalow which has been vacant for several years, no alterations to existing footprint or primary elevations at Munsboro, Mullymucks, Roscommon is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 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 6 of Part 1 Article 6 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 Acts 2000, as amended
- (e) The planning history of the site

AND WHEREAS I have concluded that

- (a) The works are development.
- (b) External works to the existing dwelling house including stripping the existing roof, replacing the timbers and reinstating the roof, reinstating the rainwater ware, upgrading the windows and doors with similar/vernacular style, externally insulating the house and inspection and appropriate renewal of drainage is exempted development.
- (c) Internal works to the existing dwelling house including alterations to internal structure to create open plan living/dining and kitchen area, demolition and reinstatement of chimneys (to make good and structurally sound), removing existing flooring and installation of damp proofing, insulation and underfloor heating, fitting new kitchen and bathroom, re-plumbing, rewiring and installing a mechanical ventilation system, insulation of internal ceilings and attic, installation of new laminate flooring and tiling, fitting of new internal doors, architraves and skirting and painting and decorating is exempted development.
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

and I recommend that a declaration to that effect should be issued to the applicant.

ADVICE NOTE

The submitted documentation indicates that the refurbished dwelling house will be serviced by an existing treatment system, which has not been assessed. The existing septic tank may not be functioning effectively and require upgrading or replacement. In such circumstances, planning permission is required.

Signed: 
Assistant Planner

Date: 2nd February 2024



DED 467

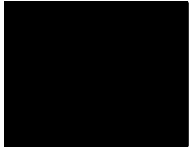




Comhairle Contae
Ros Comáin
Roscommon
County Council



Patrick Mullen,



Date: 17th January, 2024

Planning Reference: DED 647

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to renovate existing bungalow which has been vacant for several years, no alterations to existing footprint or primary elevations under the Planning & Development Act (Exempt Development) Regulations 2018 at Munsboro, Mullymucks, Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 17th January 2024, 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. L01/0/226532 dated 16th January 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 647**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

cc: Moleskin Architecture,
Mote Park,
Roscommon.



DEP 647.
E80. Pd. ✓



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	Patrick Mullen
Address:	
Name & Address of Agent:	MoleskinArchitecture, Mote Park, Roscommon
Nature of Proposed Works	Renovation of existing bungalow which has been vacant for several years, no alterations to existing footprint or primary elevations * See attached document for further detail
Location (Townland & O.S No.)	Munsboro / OS Sheet No.2413
Floor Area	90sqm
Height above ground level	Bungalow; ridge @4.8m
Total area of private open space remaining after completion of this development	0.45ha
Roofing Material (Slates, Tiles, other) (Specify)	Slate
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Rendered finish to external wrap
Is proposed works located at front/rear/side of existing house.	Existing structure only as outlined above



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	Currently vacant, land is farmed by applicant
Proposed use of land or structure	Primary residence
Distance of proposed building line from edge of roadway	Existing house is 28.5m from edge of roadway
Does the proposed development involve the provision of a piped water supply	Existing water supply
Does the proposed development involve the provision of sanitary facilities	Existing treatment system

Signature:

Date:

10.1.2024

Note: This application must be accompanied by:-

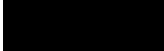
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

16/01/2024 12:10:52

Receipt No : L01/0/226532

PATRICK MULLEN



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED047	

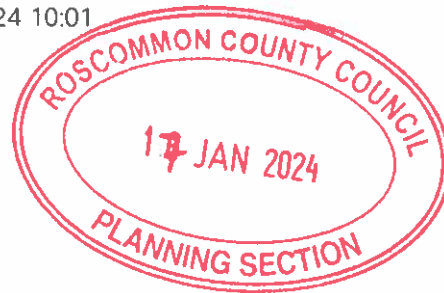
Total :	80.00 EUR
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Tendered :	
Credit/Debit Card	80.00
4937	

Change :	0.00
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Issued By : Louis Carroll
From : Central Cash Office

From: Patrick J. Mullen [REDACTED]
Sent: Wednesday 17 January 2024 10:01
To: Planning Department
Subject: Re: Application DED647
Attachments: Final Document.pdf



To whom it may concern,

Please see attached additional information (floor plans etc). I would be grateful if these could be added to my application (please see reference number above).

Kind Regards and Many Thanks

Patrick Mullen
[REDACTED]

Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú. Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder[at]justice.ie chomh maith.

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Planning Pack Map



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1001/2024
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1:5,000 2413

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The map data is captured to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at
www.tailte.ie, search "Capture Resolution"

OUTPUT SCALE: 1:2,500

SITE LOCATION
1:2500 @ A3



MOLESKIN

mole park, roscommon
+353 86 348 2287
info@moleskinarchitecture.com
www.moleskinarchitecture.com

project: P. MAULLEN chg no: PM_1/4
title: Site Location Planning Design
scale: 1:2500 @ A3



MOLESKIN

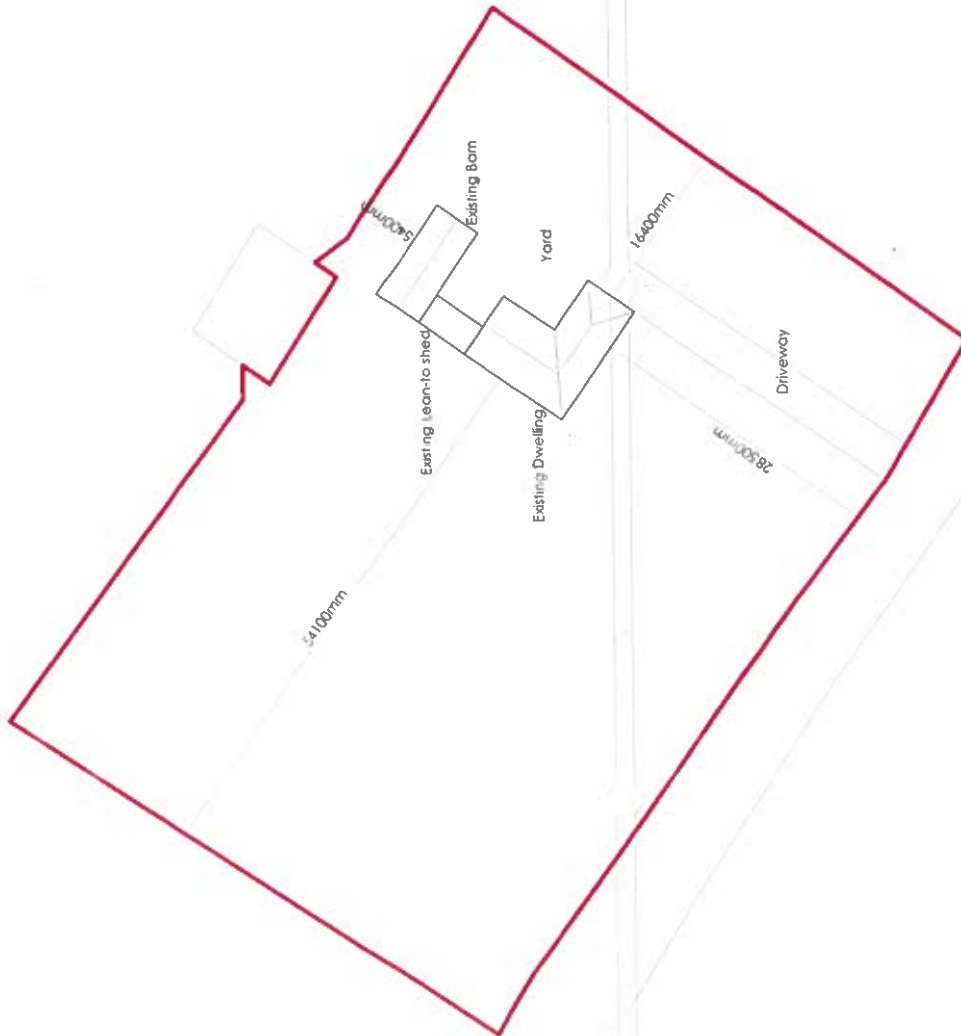
moleskin roscommon
+353 86 348 2387
info@moleskinarchitecture.com
www.moleskinarchitecture.com

project: P. MULLIN

dwg no. PM.2/4

title: Site Layout
Planning Draw Only

scale: 1:500 @ A3



EXISTING SITE LAYOUT
1:500 @ A3

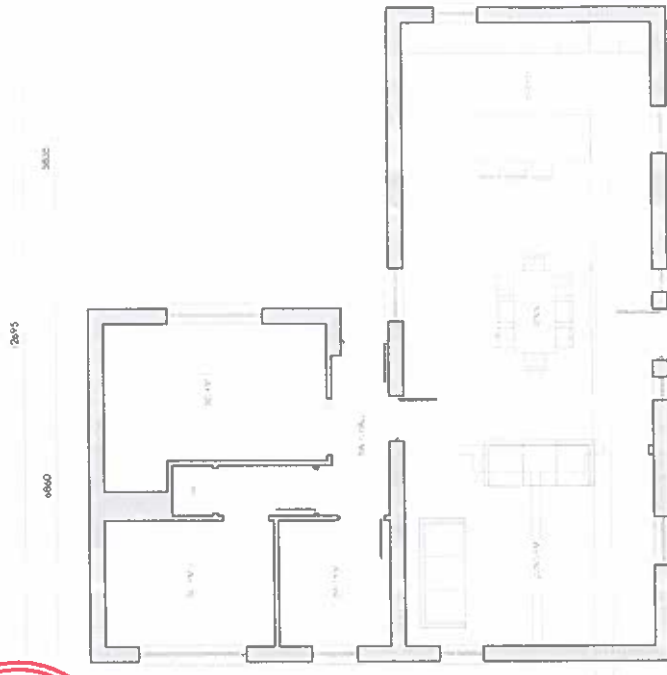
ROSCOMMON COUNTY COUNCIL
17 JAN 2024
PLANNING SECTION



PROPOSED SW ELEVATION (FRONT)
1:100 @ A3



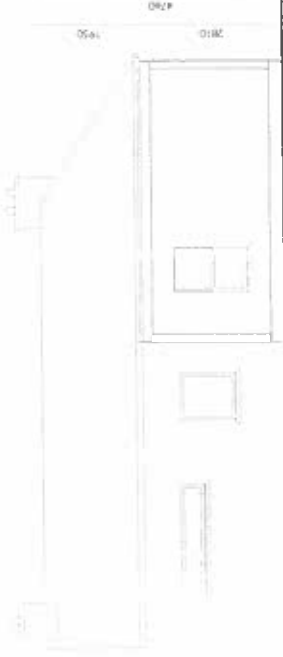
PROPOSED NE ELEVATION (REAR)
1:100 @ A3



PROPOSED FLOOR PLAN
1:100 @ A3



PROPOSED SE ELEVATION (SIDE)
1:100 @ A3



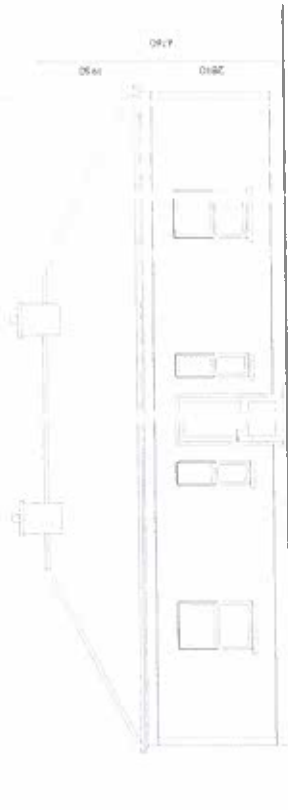
PROPOSED NW ELEVATION (SIDE)
1:100 @ A3



MOLESKIN

moleskin-architecture
+353 86 348 2387
info@moleskinarchitecture.com
www.moleskinarchitecture.com

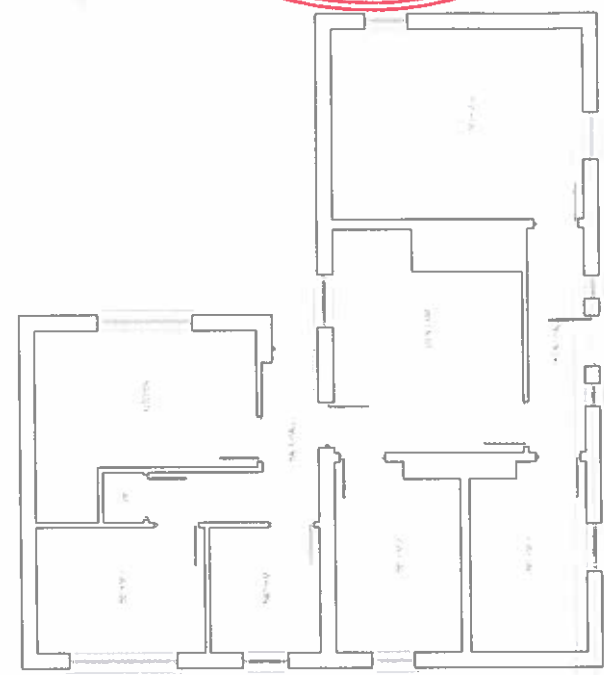
Project: P_MULLIN
Title: Proposed Plans
Drawing: PMS_214
Scale: 1:100 @ A3
Date: 17 JAN 2024



EXISTING SW ELEVATION (FRONT)
1:100 @ A3



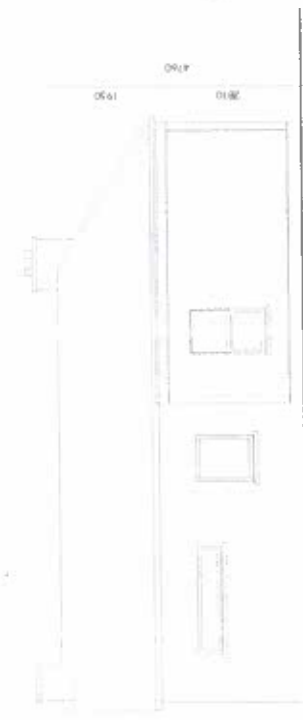
EXISTING NE ELEVATION (REAR)
1:100 @ A3



EXISTING FLOOR PLAN
1:100 @ A3




EXISTING SE ELEVATION (SIDE)
1:100 @ A3



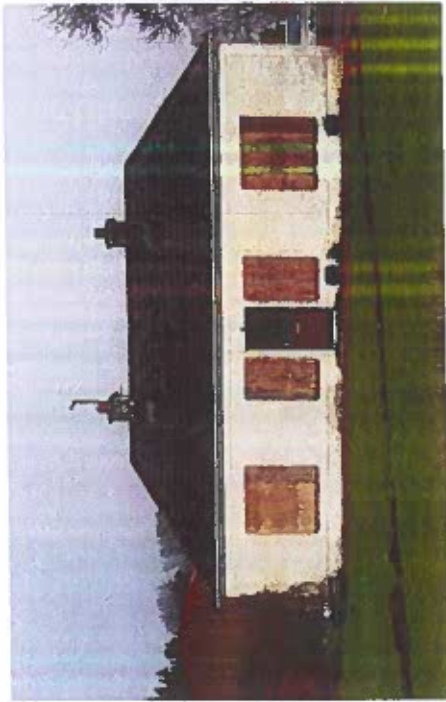
EXISTING NW ELEVATION (SIDE)
1:100 @ A3





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

project # M14111
title Existing Dwelling
dwg no PM 3/4
scale 1:100 @ A3



EXISTING SW ELEVATION (FRONT)
NTS @ A3



EXISTING SE ELEVATION
NTS @ A3



EXISTING NE ELEVATION
NTS @ A3



EXISTING SE ELEVATION
NTS @ A3



EXISTING SE/NE ELEVATION
NTS @ A3



EXISTING NW ELEVATION
NTS @ A3



MOLESKIN
 moleskin architects
 +353 84 348 2387
 info@moleskinarchitecture.com
 www.moleskinarchitecture.com

project P. MULLIN
 title PHOTOGRAPHY
 drawing date 17 JAN 2024
 scale NTS @ A3
 drawing date 17 JAN 2024



**Proposed Development (Address: Munsboro, Mullymucks, Roscommon, Co.
Roscommon Eircode: F42V668)**

External

- Strip existing roof which is structurally unsound, replace timbers and re-instate roof.
- Re-instate rainwater ware.
- Upgrade of windows & doors with similar/vernacular style.
- External insulation of house
- Inspection & appropriate renewal of drainage.

Internal

- Alterations to internal structure to create open plan living/ dining and kitchen area
- Demolition of chimneys and re-instatement of a chimney (to make good and structurally sound).
- Removing existing flooring and installation of damp proofing, insulation and underfloor heating.
- Fitting of new kitchen and bathroom.
- House to be re-plumbed, rewired and mechanical ventilation system installed.
- Insulation of internal ceilings and attic in order to upgrade thermal envelope.
- Installation of new laminate flooring and tiling.
- Fitting of new internal doors, architraves and skirting.
- Painting and Decorating.

Planning Pack Map



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10/01/2024

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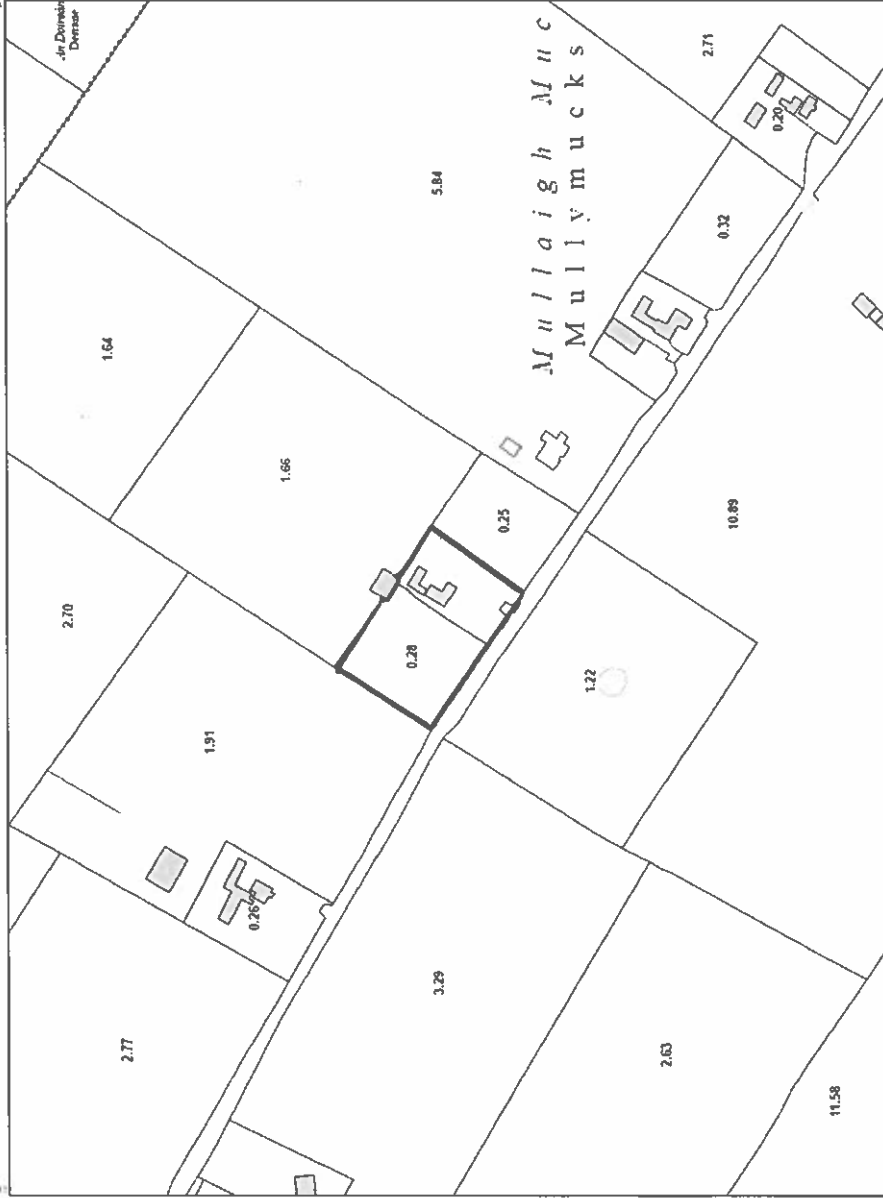
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OUTPUT SCALE: 1:2,500

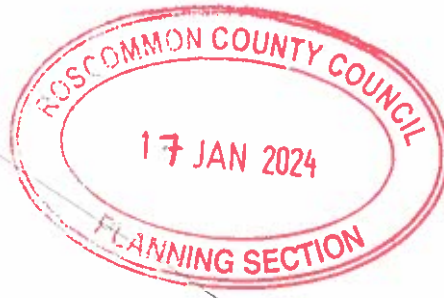



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www.moleskinarchitecture.com

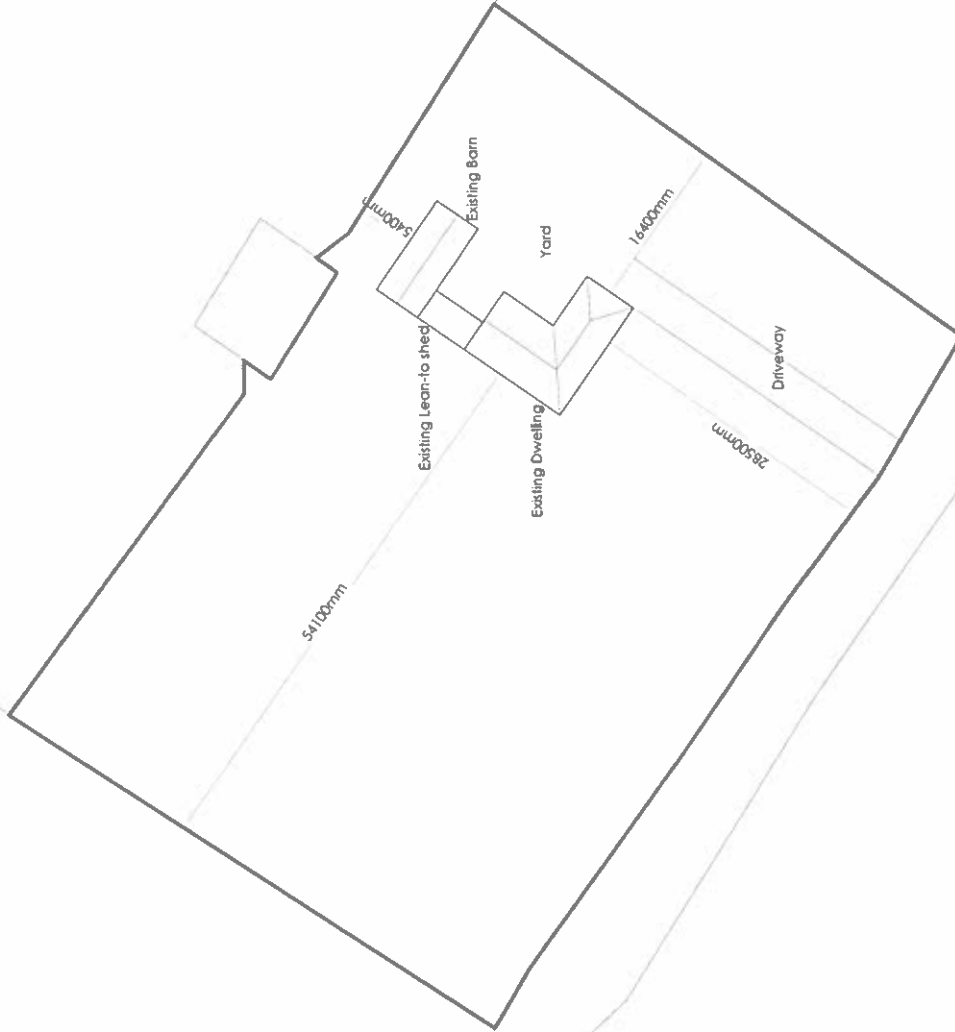
project: P.MULLEN
title: Site Location
Planning Drawg Only
dwg no: PML1/2
scale: 1:2500 @ A3

SITE LOCATION
1:2500 @ A3



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

project	P. MULLEN	dwg no.	PM_2/2
title	Site Layout Planning Dwgs Only	scale	1:500 @ A3



SITE LAYOUT
1:500 @ A3





Patrick Mullen



CERTIFICATE OF REGISTRATION

Reference ID: 

Registration number:	
Date of registration:	27/09/2012
Registered to:	Patrick Mullen
Registered address:	
Water services authority:	Roscommon County Council

Issued under the Water Services Act 2017.

This document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.

Please retain this document.

- You may be requested to present this document to an authorised person appointed by the water services authority.
- When selling or transferring ownership of your property please provide a copy of this certificate to the new owner. The new owner will be responsible for notifying the water services authority above of the change in ownership. For more information on change of ownership please visit www.protectourwater.ie.

Patrick Mullen



DEIMHNIÚ CLÁRÚCHÁIN

Tagairt ID:

Uimhir chlárúcháin:	
Dáta clárúcháin:	27/09/2012
Cláraithe chuig:	Patrick Mullen
Seoladh cláraithe:	
Údarás seirbhísí uisce:	Comhairle Contae Ros Comáin

Arna eisiúint den Acht um Sheirbhísí Uisce 2017.

Deimhnítear sa chaipéis seo gur cuireadh an córas cóireála fuíolluisce tí atá ceangailte le réadmhaoín ag an seoladh réamhluaite, agus atá cláraithe chuig an úinéir réamhluaite, ar an gclár um Chórais Cóireála Fuíolluisce Tís.

Coinnigh an chaipéis seo le do thoil.

- D'fhéadfadh sé go n-iarrfaí ort é seo a thabhairt do dhuine údaráithe arna cheapadh ag an údarás seirbhísí uisce.
- Nuair a dhíolann nó nuair a aistríonn tú úinéireacht do réadmhaoine tabhairt cóip den deimhniú seo le do thoil don úinéir úr. Beidh an t-úinéir úr freagrach as athruithe ar an úinéireacht a chur in iúl don údarás seirbhísí uisce. Níos mó eolas faoi athrú úinéara ar fáil ag www.protectourwater.ie.