ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Aine Egan,



Reference Number:

DED 742

Application Received:

18th July, 2024

Name of Applicant:

Aine Egan

Agent:

N/A

WHEREAS a question has arisen as to whether the following works; to "Permission to renovate existing dwelling house" under the Planning & Development Act (Exempted Development) Regulations 2018, at Bellacagher, Ballintubber, Co. Roscommon, F45 KP21, 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) 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.
- (d) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- 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 "Permission to renovate existing dwelling house" under the Planning & Development Act (Exempted Development) Regulations 2018, at Bellacagher, Ballintubber, Co. Roscommon, F45 KP21, is development that is exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

ADVISORY NOTE

The applicant is hereby advised that evidence of Site Investigation Works has been observed on the site. While excavation activities carried out for the purpose of assessing the depth and nature of subsoil are considered 'exempted development' under the provisions of Class 45 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), it should be noted that any works related to the installation of a wastewater treatment system do not qualify as exempted development; such works require formal planning permission pursuant to Section 34 of the Planning and Development Act 2000 (as amended). Compliance with the appropriate statutory provisions is required before proceeding with development of this nature on the site.

Signed on behalf of the Council:

Alan O'Connell,

Senior Executive Planner,

Planning.

Date: <u>DZ</u> September, 2024

ADVICE NOTE

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.

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

Reference Number: DED 742

Re: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended, regarding Exempted Development.

Name of Applicant: Aine Egan

Location of Development: Bellacagher, Ballintubber, Co. Roscommon, F45 KP21

Site Visit: 27.08.2024

WHEREAS a question has arisen as to whether the following works; "Permission to renovate existing dwelling house" under the Planning & Development Act (Exempted Development) Regulations 2018 at the above address 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) 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.
- (d) The planning history of the site

Site Location & Description of Development & Nature of Proposed Development

Site Location:

- The subject site is situated in the townland of Bellacagher, a rural area located to the north-western extent of county Roscommon.
- The subject site is located off a local secondary road, the L-6654, which traverses the westerly boundary of the subject site and which converges with the N60, which carries traffic in a south easterly direction towards Roscommon town [ca. 15km] and a north-westerly direction towards Ballymoe [ca. 5.6km].

Development Description:

- Access: The site is accessed via stepped entry to the front of the property which is westerly facing, and via two entrances located to the southerly elevation. A driveway, now overgrown, provides vehicular parking off the L-6654.
- Boundaries: The site is unbounded to the western extent the point of access to the dwelling from the L-6654. A review of the historic street view from 2009 demonstrates that there was once timber post and rail fencing, which has since been removed from the site. The site perimeter to the northerly, easterly and southerly extents are bounded by mature hedgerow.
- Dwelling: The original structure is a detached, gable-ended dormer-style dwelling, with blue/black slates, a stone façade to the front elevation, a pitched-roof porch on entry (added in later years) and pebble-dash render to the side elevations. An extension, consistent in finish and detail with the original dwelling, appears to have been constructed prior to the enactment of the Planning & Development Act of 1963. Subsequent to same, a storage/utility room was erected, for which retention permission was granted (ref: PD/01/1302) in November of 2001.

Nature of Proposed Works:

A general outline of the proposed works includes the following:

- **External Works:** The applicant has advised in their application that the footprint and elevations of the property are to remain unchanged, save for the replacement of a set of French-doors to the south elevation. Further external works include:
 - a) Drainage: Upgrade of drainage to lands around the house; installation of land drains to rear of house due to elevated site (divert surface water and ground water away from house) and re-form soak pits for downpipes.
 - b) Roof: Refurbishment of flat roof element and repair to hipped roof components.
 - c) Fascia, Soffit & Rainwater Goods: Replace existing timber fascia and soffit with uPVC and replace existing rainwater goods with aluminum gutters and uPVC downpipes.
 - d) External doors & Windows: Existing French doors to be replaced; no structural works to be carried out, existing opening to be retained. Servicing of all windows and remaining external doors.
- Internal Plans: The internal renovations are focused on bringing the property to a condition suitable for habitation and in line with the requisite regulatory standards:
 - a) Heating & Plumbing: Installation of new oil-fired heating system; new boiler unit, oil tank, hot-water cylinder, cold water storage tank and associated pipework.
 - b) Electrical works: Upgrade of all electrical works to current standards
 - c) New Flooring: Removal of existing flooring and replacement of same.
 - d) Dry-lining: Proposed dry-lining of external walls to first floor level of original house.
 - e) Internal joinery: Remove and replace doors, door frames ironmongery, architraves, skirting
 - f) Painting & decorating of all walls, ceilings and timber work.
- The applicant has further advised the following:
 - 1. Proposed works involves renovation of the existing house only, no alterations or extensions are proposed.

Geographic Information Systems [GIS]

European Sites:

Upon review of Roscommon County Council's Geographic Information Systems, regarding the subject site's proximity to a European Site, the following observations were noted:

Appropriate Assessment

The closest designated sites include: "Kilsallagh Bog" SAC (Site Code: 000285) which is located ca.7km south-west of the subject site and Corliskea/Trien/Cloonfelliv Bog SAC (Site Code: 002110) which is located ca. 5.6km north-west of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, there are no architectural and/or archaeological heritage sites/structures in proximity to the subject site or property thereon.

Assessment of Architectural & Archaeological Heritage

The property is not a protected structure, further, the closest structures/monument listed by the National Monuments Service includes a Ringfort (SMR No.: RO034-033---) located 0.2km south-east of the site and a field system (SMR: RO034-099---) located 0.8km east of the subject site.

Planning History

As per Roscommon County Council's Planning Registry and GIS Planning database, a planning history assessment of the subject site (pertaining to works within the red-line boundary of the submitted application) and property thereon yielded the following results:

•	Established Status:	Established Status: The original dwelling is evident on the 6-inch 1830-1930 maps of the area, as such, holds the benefit of exempted development owing to its established status.
•	PD/01/1302	Retention Permission Granted: Retention of a Store-Room/Utility-Room at Bellacagher Towland, Ballintubber, Castlerea, Co. Roscommon.
•	PD/08/1191	Incomplete Application: Permission to construct a dwelling house and install a proprietary treatment unit and all associated site works.
	PD/08/1266	Application Withdrawn: Permission to construct a dwelling house and install a proprietary treatment unit and all associated site works.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2 (1)

In this Act, "works" include 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)

Defines certain types of development as being 'exempted development'. Of potential relevance is section **4(1)(h)** which provides as follows:

"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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

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 (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 work would-

- (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- (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.
- (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Planning Assessment

Hereunder, details the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

In accordance with the Planning and Development Act, 2000, section 2(1) "works" include "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 proposed development constitute "works", as defined in section 2 of the said Act.

In accordance with the Planning and Development Act, 2000, section 3(1) "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". It is considered that said works constitute development, as defined in section 3 of the said Act.

These works have been considered 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".

The following matters have been considered:

- As part of the application for a Declaration of Exempted Development under Section 5 of the Planning & Development Act 2000 (as amended) a proposed schedule of works was submitted under the title: "Description of Works Renovation of an Existing Dwelling" and this, in tandem with the Site Layout Plan & Site Location Plan, and in addition to a photographic survey of the dwelling, was deemed sufficient to determine that the works proposed, encompassing minor external alterations, fall under the provisions of Section 4(1)(h), as they pertain to the maintenance and improvement of an existing property, and are regarded as not being materially significant so as to affect the external appearance of the structure.
- The original structure was extended, the materials used and the finishing details of this extension would suggest, on the balance of probability, that this was built prior to 1963, and as such, holds the benefit of exempted development.

- The Store-Room/Utility situated to the rear of the property was retained under planning register reference PD/01/1302.
- 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. 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 Article 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 a proposed development; comprising the "Permission to renovate existing dwelling house" under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located in "Bellacagher, Ballintubber, Co. Roscommon, F45 KP21" 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) 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.
- (d) The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- 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 WHEREAS I have concluded that the said development comprising "Permission to renovate existing dwelling house" at the site located in "Bellacagher, Ballintubber, Co. Roscommon, F45 KP21" under the Planning & Development Act (Exempted Development) Regulations 2018, constitute exempted development and that a declaration to that effect should be issued to the applicant.

Signed:

Blaithín Kinsella

Assistant Planner

Date: 27th August 2024

Signed:

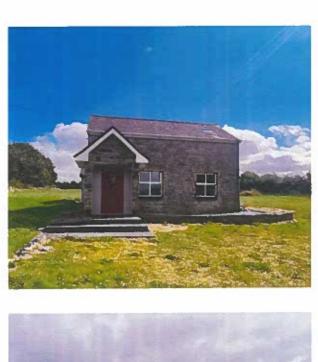
Alan O'Connell

Senior Executive Planner
Date: 27th August 2024

ADVISORY NOTE

The applicant is hereby advised that evidence of Site Investigation Works has been observed on the site. While excavation activities carried out for the purpose of assessing the depth and nature of subsoil are considered 'exempted development' under the provisions of Class 45 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), it should be noted that any works related to the installation of a wastewater treatment system do not qualify as exempted development; such works require formal planning permission pursuant to Section 34 of the Planning and Development Act 2000 (as amended). Compliance with the appropriate statutory provisions is required before proceeding with development of this nature on the site.

Appendix – Site Photos















Comhairle Contae Ros Comáin Roscommon County Council



Aine Egan,



Date:

18th July 2024

Planning Reference:

DED 742

Re:

Application for a Declaration under Section 5 of the Planning &

Development Act 2000 (as amended), regarding Exempted Development.

Development:

Permission to renovate existing dwelling house under the Planning &

Development Act (Exempt Development) Regulations 2018 at Bellacagher,

Ballintubber, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 17th July 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. L01/0/229686 dated 18th July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 742.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

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





Roscommon County Council Aras an Chontae Roscommon 09066 37100

18/07/2024 14 25 10

Receipt No : L01/0/229686

AINE EGAN

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED NO 742

80:00

Total:

80 00 EUR

Tendered: Credit/Debit Card 5792

80.00

Change:

0.00

Issued By : Bernadine Duignan From : Central Cash Office





Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

Planning & Development Act 2000 (as amended), regarding <u>Exempted Development</u>

Name of Applicant(s)	The state of the s
	AINE EGAN
Name of Agent	
Nature of Proposed Works	UPGRADE OF EDUSING DWELLING - NO PROPOSAL TO INCREASE FLOOR AREA OF DWELLING OR CHANGE FRONT FACADE
Location & Address of Subject Property to include, Errcode (where applicable), Townland & O.S No.	BELLACAGHEL, BALLINTUBBER CO. ROSCOMMON F45 KP21
Floor Area: a) Existing Structure b) Proposed Structure	a) 843m2 (GF) 2473m2 (FF)
Height above ground level:	5.6m
Total area of private open space remaining after completion of this development	C18CA 0-35 ha 0 865 ACRES
Roofing Material (Slates, Tiles, other) (Specify)	PRIMARY ROOK - SYMPHETIC SLATE SELONDARY ROOK - FLAT, TORCHON FAIT
OLL	

17 JUL 2024

PLANNING SECTION

Roscommon County Council

29 APR 2024

Application for a Declaration under Section S of the LANNING SECTION

MA - REISTING DWELLINGT MITH WET DASH, REMDELY STONE
N/A - NO PROPOSAL TO EXTENDED ISTHIS HOS
YES
PLANING 25. 01/302 RETAIN STORE OTHER TO BEEN OF DINFILLING
STRUCTURE - VALANT LAND - GARDONS
STRUCTURE - RESIDENTIAL HOME LAND - MANITAMED CARDENS
11-1M - EXISTING DISTANCE
NA - EXISTING DENELLING WITH ACTIVE WATER SOPPLY
Ecising Septic Tank - Operade Required

Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature:

Date:

<u>a</u> 1 11/11 2 2 9

Note: This application must be accompanied by: -

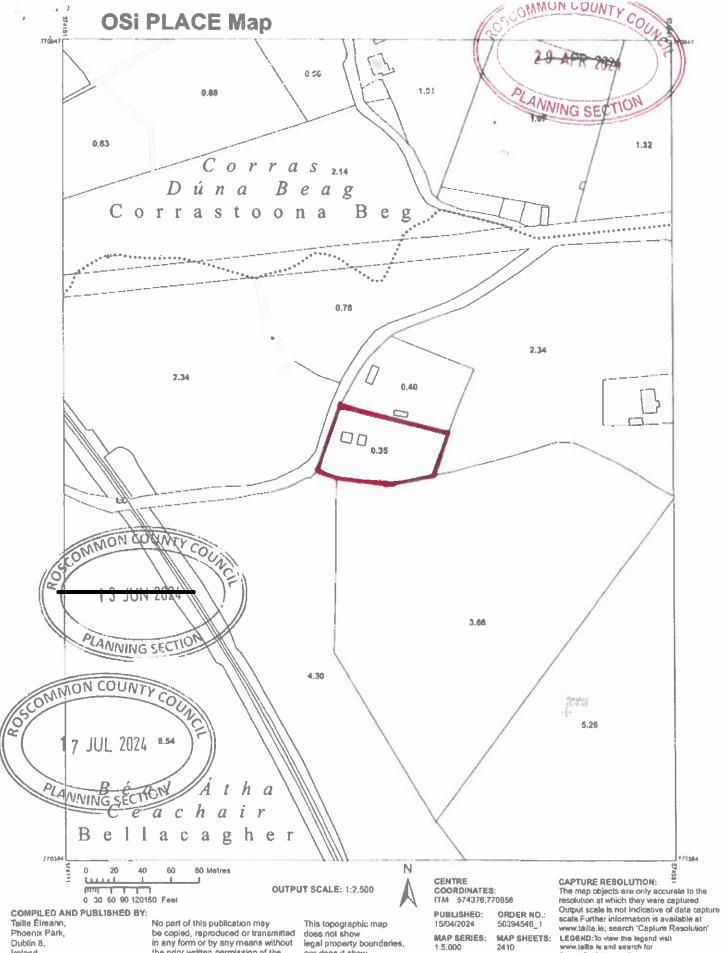
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed &

17 JUL 2024

PLANNING SECTION



Page 2



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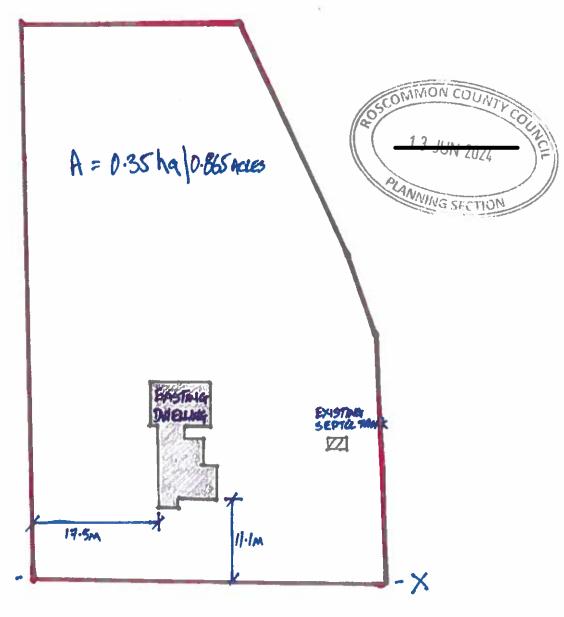
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scale.Further information is available at www.taille.ie; search 'Capture Resolution' LEGEND: To view the legend visit www.talke is and search for Large Scale Legend'



Tailte Éireann SITE LAYOUT







X-X = ROAD EDGE
[No Front Boundley

SCALE: 1:500





Re: Property @ Bellacagher, Ballintubber, Co. Roscommon

Description of works - Renovation of an Existing Dwelling

Client: Aine Egan Date: 30/05/2024

External

 Drainage to lands around house - Installation of land drains around house due to elevated site (divert surface water and ground water away from house) and reform soak pits for downpipes

INNICATE ON SORE LATOUT

 Flat roof - remove and replacement existing flat roof. Works to include replacement decking, install 150mm insulation (min.) with Trocal waterproof membrane

Fascia, soffit and rainwater goods - replace existing timber fascia and soffit with uPVC and replace existing rainwater goods with aluminium gutters and uPVC

- LIMINE OUT SITE

 IMPORT

 BEFFLENCE TO

 DELKING + RESTRESHED

 PORT LALL CLIPPING

 PLAS + SPECIFICATION
- External doors and windows replacement existing french doors to side elevation with new. Service all windows and remaining external doors

- WHEN FORTHY OPES?

24 Dun Ard, Knockcroghery, Co. Roscommon m. 087-2892414 e.alandolanassociates@gmail.com

downpipes



Technical Services



Internal

- Heating & Plumbing instal new oil-fired heating system works include new boiler unit (grant Euroflame Condensing Module 70-90), oil tank, hot water cylinder, cold water storage tank and associated pipework
- Electrical Works upgrade all electrical works to current standards
- New flooring remove existing flooring and replace, combination of tile and timber finishes
- Internal joinery remove and replace doors, door frames, ironmongery architraves, skirting and stairs
- Painting and decorating of all walls, ceilings and timber work

Note: 1) All works to be carried out in accordance with current Building Regulation

2) All materials to be disposed through a licensed Recycling Centre

3) All works to be carried out in accordance with the Health and Safety Authority guidelines

Kind Regards,

Afred One

Alan Dolan Beng., C.Build & MCABE, MIEL

17 JUL 2024

PLANINING SECTION

· Thesday 04 may 2024

Ref.

Alme Egacy
Riverside

Clifdon

Co. Galway

Housing

Pec Alan

Please find attached detail of proposed hotes as requested.

Please let me know when you would be in a poorhor to couplete site visit.

May hanks kud Regards Rine Egands









Re: Property @ Bellacagher, Ballintubber, Co. Roscommon

Description of works - Renovation of an Existing Dwelling

Client: Aine Egan Date: 12/07/2024

External

- Drainage to lands around house Installation of land drains to rear of house due to elevated site (divert surface water and ground water away from house) and re-form soak pits for downpipes, refer to Site Layout
- Roof:
 - Flat roof remove and replacement existing flat roof covering, refer to Photo 1. Proposed works include:
 - 1) Removal of existing waterproof membrane and decking. Note, existing roof joists are to be retained
 - 2) Replace decking with 22mm marine plywood, install 150mm insulation (min.) with Trocal waterproof membrane
 - Refer to Layout Plan showing location of flat roof and section through proposed new flat roof, also refer to Photo 2 for location of flat roof
 - Hipped roof Repairs to slipped or damaged slates, refer to Photo 3
- Fascia, soffit and rainwater goods replace existing timber fascia and soffit with uPVC and replace existing rainwater goods with aluminium gutters and uPVC downpipes, refer to Photo 4





Technical Services



 External doors and windows - replace existing damaged french doors to side elevation with similar. No structural works to be carried out, existing opening to be retained, refer to Photo 5. Service all windows and remaining external doors.

Internal

- Heating & Plumbing instal new oil-fired heating system works include new boiler unit (grant Euroflame Condensing Module 70-90), oil tank, hot water cylinder, cold water storage tank and associated pipework. Existing boiler unit was removed from house prior to purchase, refer to Photo 6
- Electrical Works upgrade all electrical works to current standards, refer to Photo 7
- New flooring remove existing flooring and replace, combination of tile and timber finishes
- Drylining of external walls to 1st floor level of original house. Proposed works to involve counter batten walls, fixing of 50mm insulated plasterboard slabs with skim finish
- Internal joinery remove and replace doors, door frames, ironmongery architraves, skirting and stairs
- · Painting and decorating of all walls, ceilings and timber work

Note: 1) Proposed works involves renovation of the existing house only, no alterations or extensions are proposed

- 2) All works to be carried out in accordance with current Building Regulation
- 3) All materials to be disposed through a licensed Recycling Centre
- 4) All works to be carried out in accordance with the Health and Safety Authority guidelines





Technical Services

Kind Regards,

Afore domi

Alan Dolan Beng., C.Build E MCABE, MIEI



Technical Services





Photo 1 - Condition of flat roof



Photo 2 - Location of flat roof

24 Dun Ard, Knockcroghery, Co. Roscommon m 087 2892414 e alandolanassociates@gmail.com



Technical Services





Photo 3 - Slipped/damaged slates to hipped roof



Photo 4 - Condition of timber fascia and soffit



Technical Services





Photo 5 - Damaged French doors



Photo 6 - Existing boiler removed from house

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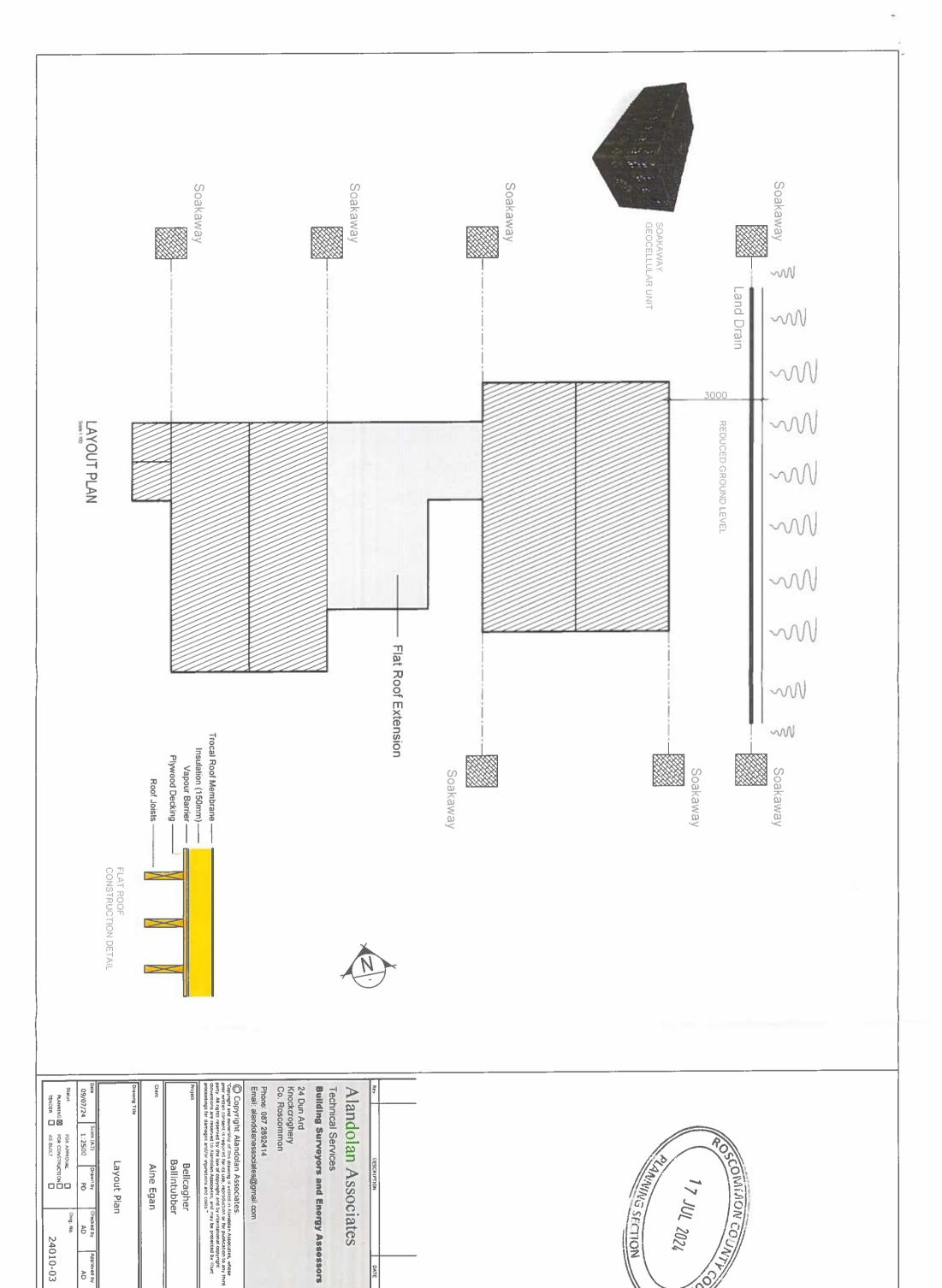


Technical Services



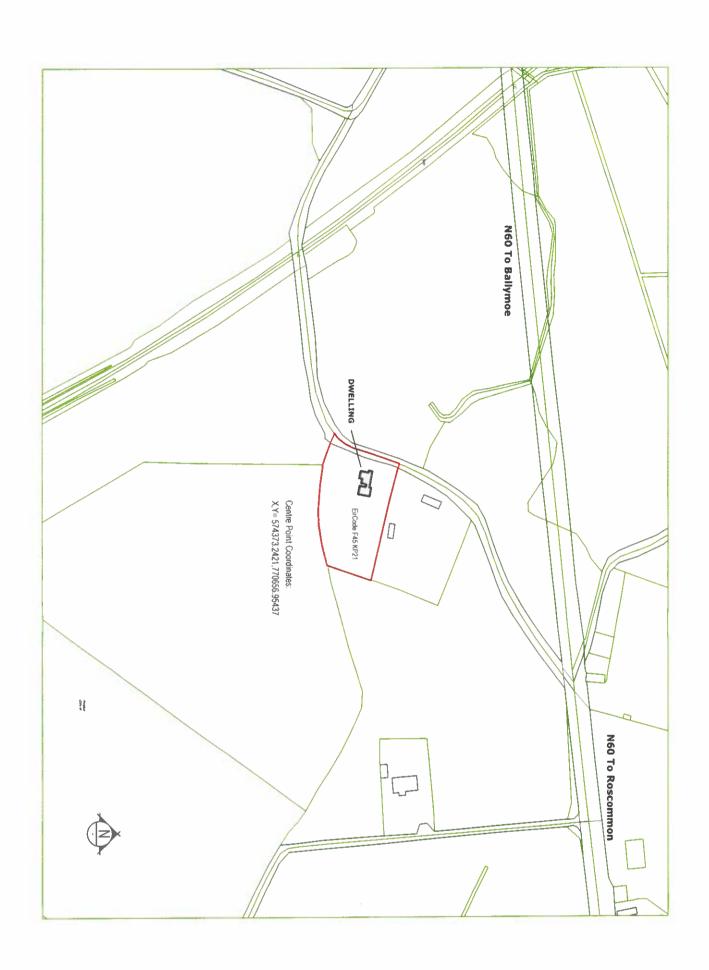
Photo 7 - Electrical upgrade required

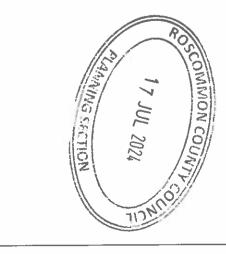




AD AD







Technical Services

Building Surveyors and Energy Assessors

24 Dun Ard Knockcroghery Co. Roscommon

Phone: 087 2892414 Email: alandolanassociates@gmail.com

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Cient		Aine Egan	1
Drawing Title			
	S	Site Location	'n
Date	Scale (A3)	Drawn by	Checked by
09/07/24	1:2500	8	AO

Status
PLANNING
TENDER

FOR APPROVAL FOR CONSTRUCTION AS BUILT

Owg. No.

24010-01