ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Bernadette Mannion,



Reference Number:

DED 828

Application Received:

13th January, 2025

Name of Applicant:

Bernadette Mannion

Agent:

N/A

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling, with works including 1)repair chimneys; 2)installation of new central heating boiler; 3)refurbish bathroom; 4)electrical works; 5)installation of new kitchen at The Bawn, Ballintubber, Castlerea, Co. Roscommon, F45 VX97, 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:

- (a) The works outlined above are development
- (b) The proposed 1)repair chimneys, 2)installation of new central heating boiler, 3)refurbish bathroom, 4)electrical works, 5)installation of new kitchen as above fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:
 - "development consisting of the carrying out of works for the maintenance, improvements or other alterations 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 the neighbouring structure"
- (c) 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 – 2024 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 refurbish an existing dwelling, with works including 1)repair chimneys; 2)installation of new central heating boiler; 3)refurbish bathroom; 4)electrical works; 5)installation of new kitchen at The Bawn, Ballintubber, Castlerea, Co. Roscommon, F45 VX97, is development that is <u>exempted development</u> as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell,

Senior Executive Planner,

Planning.

Date: 12th February, 2025

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.

Carmel Curley

From: Carmel Curley

Sent: Wednesday 12 February 2025 16:38

To:

Subject:DED828 - Notification of DecisionAttachments:DED828 - Notification of Decision.pdf

Hi Bernadette,

Please find attached Notification of Decision for your DED Application 828.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

2: (090) 6637100

MAP LOCATION





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

Reference Number: DED 828

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

Development Act, 2000, as amended, regarding Exempted Development to refurbish existing dwelling, works including 1)repair chimneys 2)installation of new central heating boiler 3)refurbish bathroom

4)electrical works 5)installation of new kitchen.

Name of Applicant: Bernadette Mannion

Location of Development: The Bawn, Ballintubber, Castlerea, Co. Roscommon (F45 VX97)

Site Visit: 29/01/2025

WHEREAS a question has arisen as to whether the following works; to refurbish existing dwelling, works including 1)repair chimneys 2)installation of new central heating boiler 3)refurbish bathroom 4)electrical works 5)installation of new kitchen 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 & Development Description

The property is a single story detached dwelling with what appears to be a flat roof extension to one side in the Bawn, Ballintubber, Castlerea, Co. Roscommon. The property is accessed off the L1612 road and has a garden area and domestic shed to the rear of the property. The proposed development consists of the refurbishment of the existing dwelling including the repair of 2no. chimneys, installation of a new central heating boiler and other internal works.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Archaeological and Cultural Heritage

The proposed development is located within the likely zone of influence (R186217) of varies archaeological sites none of which is located on the property or adjoining properties of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European sites to the site of the proposed development are Corliskea/Trien/Cloonfelliv Bog SAC/PNHA (Site Code 002110) which is located circa 3.3km to the west and Rathnalulleagh Turlough PNHA (Site Code 000613) which is located circa 4.6km to the east of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and 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, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history traced to the site.

Relevant statutory provisions

Planning and Development Acts 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(1) of the Act 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) 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 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;

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

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 proposal includes refurbishment of the existing dwelling including the repair of 2no. chimneys, installation of a new central heating boiler (internally) and other internal works. These works have 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 neighboring structures. The proposed works are deemed an exempt development.

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 refurbish existing dwelling, works including 1)repair chimneys 2)installation of new central heating boiler 3)refurbish bathroom 4)electrical works 5)installation of new kitchen in the Bawn, Ballintubber, Castlerea, Co. 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, 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 proposed 1)repair chimneys, 2)installation of new central heating boiler, 3)refurbish bathroom, 4)electrical works, 5)installation of new kitchen as above fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, 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;

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 to refurbish existing dwelling, works including 1) repair chimneys 2) installation of new central heating boiler 3) refurbish bathroom 4) electrical works 5) installation of new kitchen in the Bawn, Ballintubber, Castlerea, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant

Signed:

Civil Technician

San Murray

Signed:

Senior Executive Planner

Date: 12th February 2025

Date: 12th February 2025

Carmel Curley

From:

bernadette mannion

Sent:

Tuesday 11 February 2025 12:16

To:

Carmel Curley

Subject:

Re: DED828 - Further Information Request

To Planning Dept

Planning number DED828

To whom it may concern,

I wish to clarify that the new boiler that I will be installing in my property in The Bawn, Ballintubber will be an internal boiler.

Regards,

Bernadette Mannion

On Tue 11 Feb 2025, 10:42 Carmel Curley, < CCurley@roscommoncoco.ie> wrote:

A Chara,

Please find attached letter requesting further information for your DED Application 828.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,

Planning Department, Roscommon County Council,

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

2: (090) 6637100

⊠: planning@roscommoncoco.ie | ∰ www.roscommoncoco.ie MAP LOCATION











Bernadette Mannion,



Date:

10th February, 2025

Ref:

DED 828

Re:

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

(as amended), regarding Exempted Development.

Development:

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling, with works including 1)repair chimneys; 2)installation of new central heating boiler; 3)refurbish bathroom; 4)electrical works & 5)installation of new kitchen at The Bawn, Ballintubber, Castlerea, Co. Roscommon, F45 VX97, is or is not development and is or is

not exempted development.

A Chara,

Further to your application received on the 13th January, 2025 and in order for the Planning Authority to determine as to whether the refurbishment of an existing dwelling, with works including 1)repair chimneys; 2)installation of new central heating boiler; 3)refurbish bathroom; 4)electrical works & 5)installation of new kitchen at The Bawn, Ballintubber, Castlerea, Co. Roscommon, F45 VX97, or is not development and is or is not exempted development, you are requested to submit the following further information:

1. Clarify if any part of the proposed central heating system is to be placed on the exterior of the dwelling, if so please provide a scaled plan and elevation drawing indicating the proposed location and a data sheet/specification of same.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 828**.

Note: Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell,

Senior Executive Planner,

Planning.



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

Reference Number:

DED 828

Re:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish existing dwelling, works including 1)repair chimneys 2)installation of new central heating boiler 3)refurbish bathroom

4)electrical works 5)installation of new kitchen.

Name of Applicant:

Bernadette Mannion

Location of Development:

The Bawn, Ballintubber, Castlerea, Co. Roscommon (F45 VX97)

Site Visit:

29/01/2025

WHEREAS a question has arisen as to whether the following works; to refurbish existing dwelling, works including 1)repair chimneys 2)installation of new central heating boiler 3)refurbish bathroom 4)electrical works 5)installation of new kitchen 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) Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development General), 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 property is a single story detached dwelling with what appears to be a flat roof extension to one side in the Bawn, Ballintubber, Castlerea, Co. Roscommon. The property is accessed off the L1612 road and has a garden area and domestic shed to the rear of the property. The proposed development consists of the refurbishment of the existing dwelling including the repair of 2no. chimneys, installation of a new central heating boiler and other internal works.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Archaeological and Cultural Heritage

The proposed development is located within the likely zone of influence (R186217) of varies archaeological sites none of which is located on the property or adjoining properties of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European sites to the site of the proposed development are Corliskea/Trien/Cloonfelliv Bog SAC/PNHA (Site Code 002110) which is located circa 3.3km to the west and Rathnalulleagh Turlough PNHA (Site Code 000613) which is located circa 4.6km to the east of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and 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, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history traced to the site.

Relevant statutory provisions

Planning and Development Acts 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(1) of the Act 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) 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 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;

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

Initial Planning Assessment:

Following a review of the documents submitted and site inspection there is one element of the proposed works that require further information such as the proposed central heating boiler.

Accordingly, a further Information request will be made in this regard.

Recommendation:

Please provide the below information:

• Clarify if any part of the proposed central heating system is to be placed on the exterior of the dwelling, if so please provide a scaled plan and elevation drawing indicating the proposed location and a data sheet/specification of same.

Signed:

Civil Technician

Signed:

Senior Executive Planner

San Murray

Date: 4th February 2025

Date: 4th February 2025

and the same of the same of the















Comhairle Contae Ros Comáin Roscommon County Council



Bernadette Mannion,



Date:

14th January 2025

Planning Reference:

DED 828

Re:

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

(as amended), regarding Exempted Development.

Development:

Permission to refurbish existing dwelling, works including 1)repair chimneys 2)installation of new central heating boiler 3)refurbish bathroom 4)electrical works 5) installation of new kitchen under the Planning & Development Act (Exempt Development) Regulations 2018 at The Bawn, Ballintubber, Castlerea, Co. Roscommon,

F45 VX97.

A Chara,

I wish to acknowledge receipt of your application which was received on the 13th January 2025, 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. L01/0/232477 dated 14th January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 828

This should be guoted in all correspondence and telephone gueries.

Mise le meas,

Alan O'Connell

Senior Executive Planner

Planning Department.





Roscommon County Council Aras an Chontae Roscommon 09086 37100

14/01/2025 14 30.48

Receipt No. . L01/0/232477

BERNADETTE MANNION

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED828

80,00

Total :

80.00 EUR

Tendered Credit/Debit Card 2387

80 00

Change

0.00

Issued By Louis Carroll From Central Cash Office





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 <u>Exempted Development</u>

Name:	BERNADETTE MANNION
Address:	RAHAN ROAD, TULLAMORE, CO. OFFALY. R.35 FX62.
Name & Address of Agent:	NIA.
Nature of Proposed Works	- REPAIR CHIMNEY FOR KITCHEN & SITTING-ROOM, & BOILER INSTALLATION OF NEW BOILER KE-SO BATHROOM, INCLUDING NEW BRITISH KETCHEN SHOWER.
Location (Townland & O.S No.) Floor Area	The Bawn Ballion to bleer Costieres, (6. Rostommon (Folio RN1167F) 1,130 89. Peet: (104.98 m²)
Height above ground level	N/A
Total area of private open space remaining after completion of this development	NIA.
Roofing Material (Slates, Tiles, other) (Specify)	ROOF NOT BEING RE-DONE.
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	N.IA. (ALL PROPOSED WORKS).

Roscommon County Council

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

Has an application been made previously for this site	NO.	
If yes give ref. number (include full details of existing extension, if any)	MA-	
Existing use of land or structure	VACANT.	
Proposed use of land or structure	TO LIVE IN	
Distance of proposed building line from edge of roadway	NIA.	
Does the proposed development involve the provision of a piped water supply	H/A.	
Does the proposed development involve the provision of sanitary facilities	NO.	NCIL
	nodotto Marionina 13 JAN 2012	
Date:	TANORO 2025. PLANNING SE	
Note: This application mu		

- (a) E80 fee > (Please Ring or payment will be made by card).
- (b) Site Location map to a scale of 1:2500 clearly identifying the location > Exchoses
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development (MY PROPERTY I'S NOMBER 41 ON MAP 1: 500) -> ENCLOSED

(d) Detailed specification of development proposed (SEE BELOW).

- REPAIR OF CHIMNEY SERVING RITCHEN & SITTING-ROOM

 + REPAIR OF CHIMNEY TO BOILER. + NEW TWEET STIME. 680

 THSEALLATION OF DEN CENTRAL HEATING BOILER DESSE

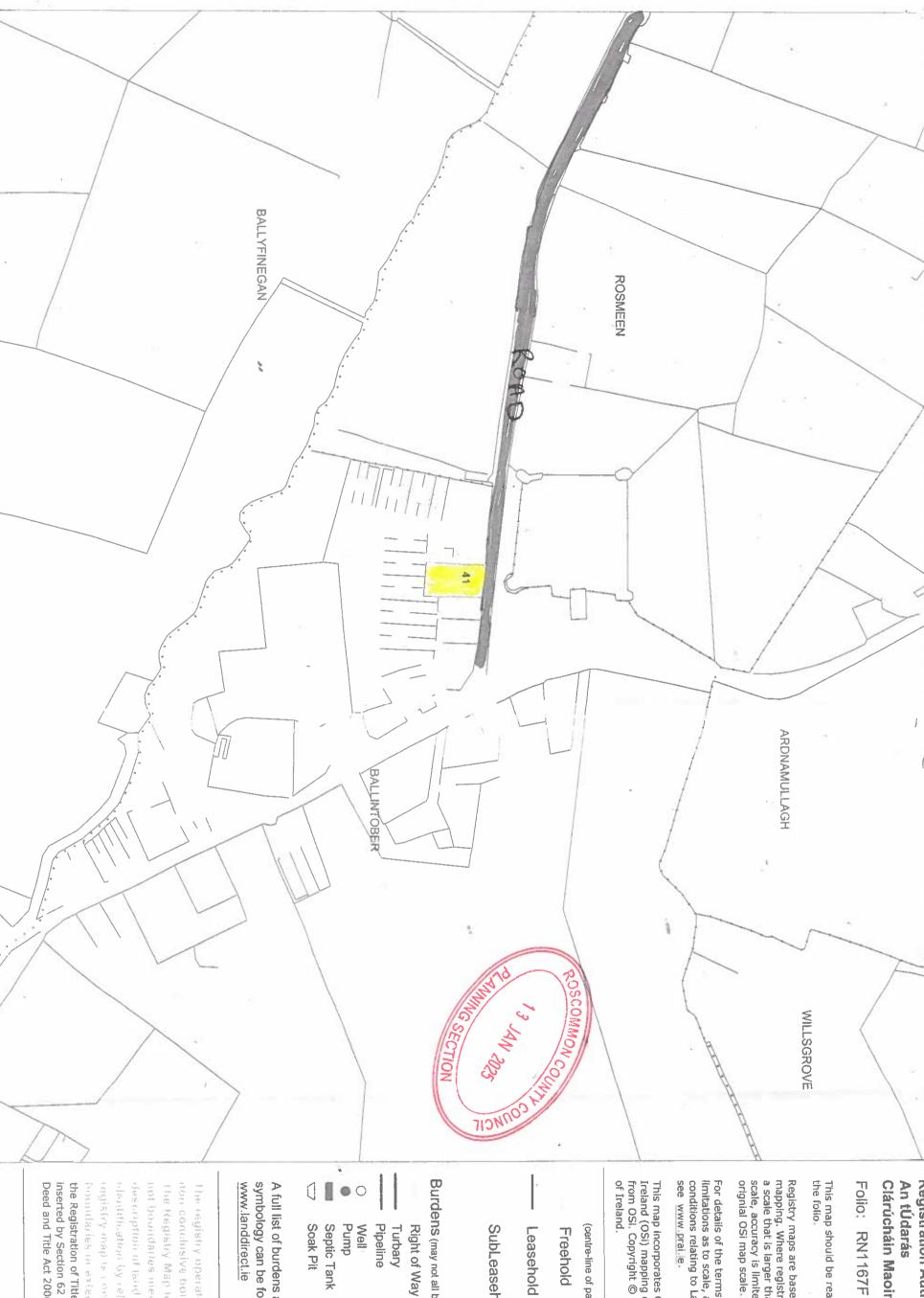
 REFURBISH BATHROOM, TO INCLUDE HED BATHROOM.

 SUITE, & NEW SHOWER. 63,100
- ELECTRICAL DORR ie. Intetall extracter in bethroof

 & Kitchen. Inspect +1- rapair electric sochate in

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Allox El, 000



Registration Authority An tÚdarás The Property Clárúcháin Maoine

This map should be read in conjunction with the folio.

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

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

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map) Right of Way / Wayleave

Turbary **Pipeline**

Well

Pump Septic Tank

Soak Pit

symbology can be found at: www.landdirect.ie A full list of burdens and their

Deed and Title Act 2006. inserted by Section 62 of the Registration of the Registration of Title Act, 1964). As not boundaries meaning neither in-The Registry Map Identifies properties deputibation by reference to a description of land in a register for the non conclusive boundary system the registry operates a consideries in extent (see Section 85 of egistry map is conclusive as to the



Date Printed: 03/06/2022



Clárúchán, Luacháil, Suirbhéireacht Registration, Valuation, Surveying



Tailte Éireann Special Registration Map



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

Application Number:
Your Reference:BM Ballintubber

Special Registration Maps can be ordered and printed at a selection of standard metric scales up to and including 1/500 scale.

Properties on this extract of the Tailte Éireann Registration map that are not highlighted in colour appear to form part of unregistered land.

Hard copy ITM maps which have been enlarged from the original Tailte Éireann Surveying published scale for the area cannot be expected to give a higher degree of accuracy than that of the original scale.

1/5,000 and 1/10,000 scale maps may not be acceptable for registration purposes in hard copy form unless the new property is entirely bounded by Tailte Éireann Surveying detail.

An officer duly authorised by Tailte Éireann

Date Printed: 07/01/2025 Application Number: S2025LR000347X

