

Comhairle Contae Chill Dara
Kildare County Council



Date: 4th June 2024
Our Ref: ED/1124.

Rowan Child and Parent Services,
Knockroe,
Rathvilly,
Co Carlow.
R93 AC64

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Carrigeen North, Baltinglass, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 10th May 2024 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,



Senior Executive Officer,
Planning Department.



**Declaration of Development & Exempted Development under
Section 5 of the
Planning and Development Act 2000 (as amended).**

ED/1124.

WHEREAS a question has arisen as to whether the change of use from house to residence for people with an intellectual or physical disability or mental illness and persons providing care for such persons at Carrigeen North, Baltinglass, Co. Kildare is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 10th May 2024

AND WHEREAS Rowan Child and Parent Services requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and
- (c) Documentation received with the application

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

- (a) Sections 3, 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); and
- (c) Schedule 2, Part 1, Class 14 (f) (exempted Development - Change of use, of the Planning and Development Regulations 2001 (as amended));

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the change of use from house to residence for people with an intellectual or physical disability or mental illness and persons providing care for such persons at Carrigeen North, Baltinglass, Co. Kildare **is development and is exempted development pursuant to Section 4(1)(h) of the Planning and Development Act 2000 (as amended)** for the following reason:

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

4th June 2024.


Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1124.

Name Of Applicant(s):	Rowan Child and Parent Services.
Address Of Development:	Carrigeen North, Baltinglass, Co. Kildare.
Development Description:	Change of use from house to residence for people with an intellectual or physical disability or mental illness and persons providing care for such persons.
Due date	7/6/2024.

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works to change the use from house to residence for people with an intellectual or physical disability or mental illness and persons providing care for such persons is development and is exempted development.

Site Location

The site comprises a detached single storey dwelling and outbuilding and is located in a rural area c. 2.2km to the west of Baltinglass West. The surrounding area is primarily characterised by agricultural land and rural dwellings.

Description of Proposed Development

The proposed development is described as follows:

“Rowan child and parent services are looking into to the possibility of renting the above property, to provide care for children under the age of 12 years of age. These children will require short to medium term care (3-9 months) while they are awaiting a longer term family/foster placement. The number of children residing at the service will not exceed 6.

The number of children with an intellectual or physical disability or a mental illness will not exceed 6, and the number of resident carers shall not exceed 2. Examples of diagnosis include:

- *Mild to moderate intellectual disability*
- *Post traumatic stress disorder*
- *Attachment disorder*
- *ADHD/Dyspraxia/Autism*

A care plan will be developed with social workers/parents/other professionals and children that is subject to regular review. This plan states aims and objectives of the child's placement, promotes the child's welfare and outlines the interventions agreed which will promote and meet the child's developmental, emotional, social, health and educational needs.

The service will be staffed by a professionally qualified staff team all of whom will hold Level 8 qualifications in social care or equivalent. The number of resident staff at any time will not exceed 2."



Fig 1: Site Location and context



Fig 2: Aerial view of subject site (GIS)

Planning History

00/824 - Permission was granted for the construction of a dormer bungalow, septic tank and ancillary works at Carrigeon, Baltinglass, Co. Kildare.

Relevant Legislative Background

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 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

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.

Class 14 – Development consisting of a change of use

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Conditions and Limitations *The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.*

All classes of development as provided for under Article 6 are subject to potential restrictions under Article 9 of the Regulations including contravening a condition attached to a permission, endangering public safety by means of traffic hazard, obstruct a public right of way, works to a structure in an ACA etc. Article 9 restrictions have been reviewed for the purposes of this assessment and do not apply in this instance.

Assessment

The change of use from residential dwelling to accommodation for persons with an intellectual or physical disability or mental illness and persons providing care for such persons, constitutes 'development' as defined by Section 3 of the Act. The legislation provides for exempted development for change of use under Article 6 and Schedule 2, Part 1, Class 14 (f) of the Regulations.

The proposed change of use falls within Class 14 (f) of Schedule 2, Part 1 of the Regulations: *Development consisting of a change of use from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.*

There is only one limitation applicable to that class which stipulates that the number of persons living in any such residence shall not exceed 6 persons and the number of resident carers shall not exceed 2.

The application states that the residence will not exceed 6 persons with intellectual or physical disability and associated care staff. It is submitted that resident carers will not exceed 2 staff members.

No construction works are indicated. It appears that the plans/elevation drawings as submitted are associated with the parent permission as permitted under Pl. Ref. 00/824.

The proposed development complies with the provisions of Schedule 2, Part 1, Class 14 (f) and is considered to constitute exempted development in accordance with Article 6 of the Regulations.

Conclusion

Having regard to:

- Sections 3, and 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Schedule 2, Part 1, Class 14 (f) (exempted Development - Change of use, of the Planning and Development Regulations 2001 (as amended);

it is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application *is development and is exempted development*.

Signed: *Caitiana Dockery*

Assistant Planner

Date: 23/05/2024

Signed:

Elaine Dockery
A/Senior Executive Planner

31/05/2024

A. Brangan

Aoife Brangan

A/SP

04/06/24

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether *change the use from house to residence for people with an intellectual or physical disability or mental illness and persons providing care for such persons*

AS INDICATED on the plans and particulars received by the Planning Authority on 10/05/2024

AND WHEREAS Karen Dempsey c/o Rowan Child and Parent Services requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- Sections 3, and 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Schedule 2, Part 1, Class 14 (f) (exempted Development - Change of use, of the Planning and Development Regulations 2001 (as amended);

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -


The change of use from house to residence for people with an intellectual or physical disability or mental illness and persons providing care for such persons.

IS development and IS EXEMPTED development pursuant to Section 3 (1) of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1: Appropriate Assessment Screening

	APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION
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(A) Project Details

Planning File Ref	ED1124
Applicant name	Karen Dempsey
Development Location	Carrigeen North, Baltinglass, Co. Kildare, W91 VH96
Site size	0.17 Ha
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	c.2.6km west of Slaney River Valley SAC
Description of the project/proposed development – Change of use from house to residence for people with an intellectual or physical disability or mental illness and persons providing care for such persons.	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development

	Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1 Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i> No
2 Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.	<i>Is the development within a Special Area of Conservation whose qualifying interests</i> no

	<u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	x
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Scale, nature, location and distance from Natura 2000 sites = no likely impact on integrity of Natura 2000 network		
Name:	C. Dockery	
Position:	Assistant Planner	
Date:	23/05/2024	

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL



Director of Services Order

I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO53052 **Section:** Planning

SUBJECT: ED/1124
Rowan Child and Parent Services, Knockroe, Rathvilly, Co. Carlow.
Exempt Development Application for the change of use from house to residence for people with an intellectual or physical disability or mental illness and persons providing care for such persons at Carrigeen North, Baltinglass, Co. Kildare

SUBMITTED: File Ref. ED1124 with recommendation from the A/Senior Executive Planner and reports from the Council's Technical Officers.

ORDER: *ADT* **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

MADE THIS 5th DAY
OF June YEAR 2024

SIGNED: Alan Dunney
DIRECTOR OF SERVICES

Kildare County Council
Declaration of Exempt Development under Section 5,
of the Planning and Development Act 2000

Incomplete application forms will
be deemed invalid and returned



All responses must be in block
letters

Section 1	Details of Applicants
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ED1124
rec'd 10/5 6

1. Name of Applicant(s) A. Surname KAREN Forenames DEMPSEY Phone No 086 3803710 Fax No
2. Address KNOCKROE, RATHVILLY, CO. CARLOW R93 AC64

Section 2	Person/Agent acting on behalf of applicant (if applicable)
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1. Name of Person/Agent: Surname..... N/A..... Forenames.....
Phone No..... Fax No.....
2. Address.....

Section 3	Company Details (if applicable)
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1. Name of Company ...ROWAN CHILD AND PARENT SERVICES
Phone No 086 380371 Fax No.
2. Company Reg. No 744882
3. Address KNOCKROE RATHVILLY CO. CARLOW R93 AC64

Kildare County Council
Planning Department

10 MAY 2024

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Section 4	Details of Site
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1. Planning History of Site; PLANNING PERMISSION APPROVED IN 2000 FOR CURRENT PREMISES ON SITE. NOT KNOWN PRIOR TO 2000.
2. Location of Proposed Development CARRIGEEN NORTH, BALTINGLASS CO. KILDARE W91 VH96
3. Ordnance Survey Sheet No 38
4. Please state the Applicants interest in the site; ROWAN CHILD AND PARENT SERVICES ARE SEEKING TO SECURE A LONG TERM LEASE ON THE PROPERTY WITH THE INTENTION TO PROVIDE SHORT TERM CARE FOR CHILDREN UNDER THE AGE OF 12YEARS AND WHO ARE UNDER THE CARE OF THE CHILD AND FAMILY AGENCY.
5. Please state the extent of the proposed development ROWAN CHILD AND FAMILY SERVICES ARE WRITING TO SEEK A "DECLARATION OF EXEMPTION" UNDER PART 1, SECTION 5, PLANNING AND DEVELOPMENT ACT 2000.

6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought *(specific details required)* THE SECTION OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001, WHICH COVERS CHANGE OF USE, IS PROVIDED UNDER SCHEDULE 2, CLASS 14(F) 'FROM USE OF A HOUSE, TO USE AS A RESIDENCE FOR PERSONS WITH AN INTELLECTUAL OR PHYSICAL DISABILITY OR MENTAL ILLNESS AND PERSONS PROVIDING CARE FOR SUCH PERSONS'

7. Please give a detailed description of the Proposed Development *(Use separate page if necessary)*

ROWAN CHILD AND PARENT SERVICES ARE LOOKING INTO THE POSSIBILITY OF RENTING THE ABOVE PROPERTY, TO PROVIDE CARE FOR CHILDREN UNDER THE AGE OF 12 YEARS OF AGE. THESE CHILDREN WILL REQUIRE SHORT TO MEDIUM TERM CARE (3-9MONTHS) WHILE THEY ARE AWAITING A LONGER TERM FAMILY/FOSTER PLACEMENT. THE NUMBER OF CHILDREN RESIDING AT THE SERVICE WILL NOT EXCEED 6.

THE NUMBER OF CHILDREN WITH AN INTELLECTUAL OR PHYSICAL DISABILITY OR A MENTAL ILLNESS WILL NOT EXCEED 6, AND AND THE NUMBER OF RESIDENT CARERS SHALL NOT EXCEED 2. EXAMPLES OF DIAGNOSIS INCLUDE;

- MILD TO MODERATE INTELLECTUAL DISABILITY
- POST TRAUMATIC STRESS DISORDER
- ATTACHMENT DISORDER
- ADHD / DYSPRAXIA / AUTISM

A CARE PLAN WILL BE DEVELOPED WITH SOCIAL WORKERS/PARENTS/OTHER PROFESSIONALS AND CHILDREN THAT IS SUBJECT TO REGULAR REVIEW. THIS PLAN STATES AIMS AND OBJECTIVES OF THE CHILD'S PLACEMENT, PROMOTES THE CHILD'S WELFARE, AND OUTLINES THE INTERVENTIONS AGREED WHICH WILL PROMOTE AND MEET THE CHILD'S DEVELOPMENTAL, EMOTIONAL, SOCIAL, HEALTH AND EDUCATIONAL NEEDS.

THE SERVICE WILL BE STAFFED, BY A PROFESSIONALLY QUALIFIED STAFF TEAM, ALL OF WHOM WILL HOLD LEVEL 8 QUALIFICATION IN SOCIAL CARE OR EQUIVALENT. THE NUMBER OF RESIDENT STAFF AT ANY TIME WILL NOT EXCEED 2.

Section 5	The following must be submitted for a valid application
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		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	<input checked="" type="checkbox"/>
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	<input checked="" type="checkbox"/>
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	<input checked="" type="checkbox"/>
4.	All drawings to differentiate between the original building, all extensions and proposed development	<input checked="" type="checkbox"/>



5.	Fee of 80 Euro	<input checked="checked" type="checkbox"/>
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Section 6	Declaration
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I, KAREN DEMPSEY, (DIRECTOR ROWAN CHILD AND PARENT SERVICES) _____ certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: Karen Dempsey

Date: 9th May 2024





Kildare County Council - Planning Office
Aras Chill Dara
Devoy Park
Naas
Co. Kildare
W91 X77F

9th May 2024

Dear Sir or Madam,

RE: Rowan Child and Parent Services – Proposed change of use of a residential dwelling to a residential care home for young people at risk, including those with mild learning disabilities, at Carrigeen, Baltinglass, Co. Kildare, W91 VH96.

As Director of Rowan CPS, I am looking into the possibility of renting the above property, to provide care for young people. There would be a maximum of 6 young people living in the house on a full time basis, and the number of resident carers shall not exceed 2.

I am writing to seek a "Declaration of Exemption" under Part 1, Section 5, Planning and Development Act 2000. The section of the Planning and Development Regulations 2001, which covers change of use, is provided under Schedule 2, Class 14(f) 'from use of a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons'.

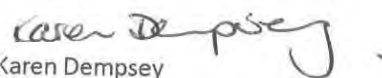
I have enclosed the following for your consideration:

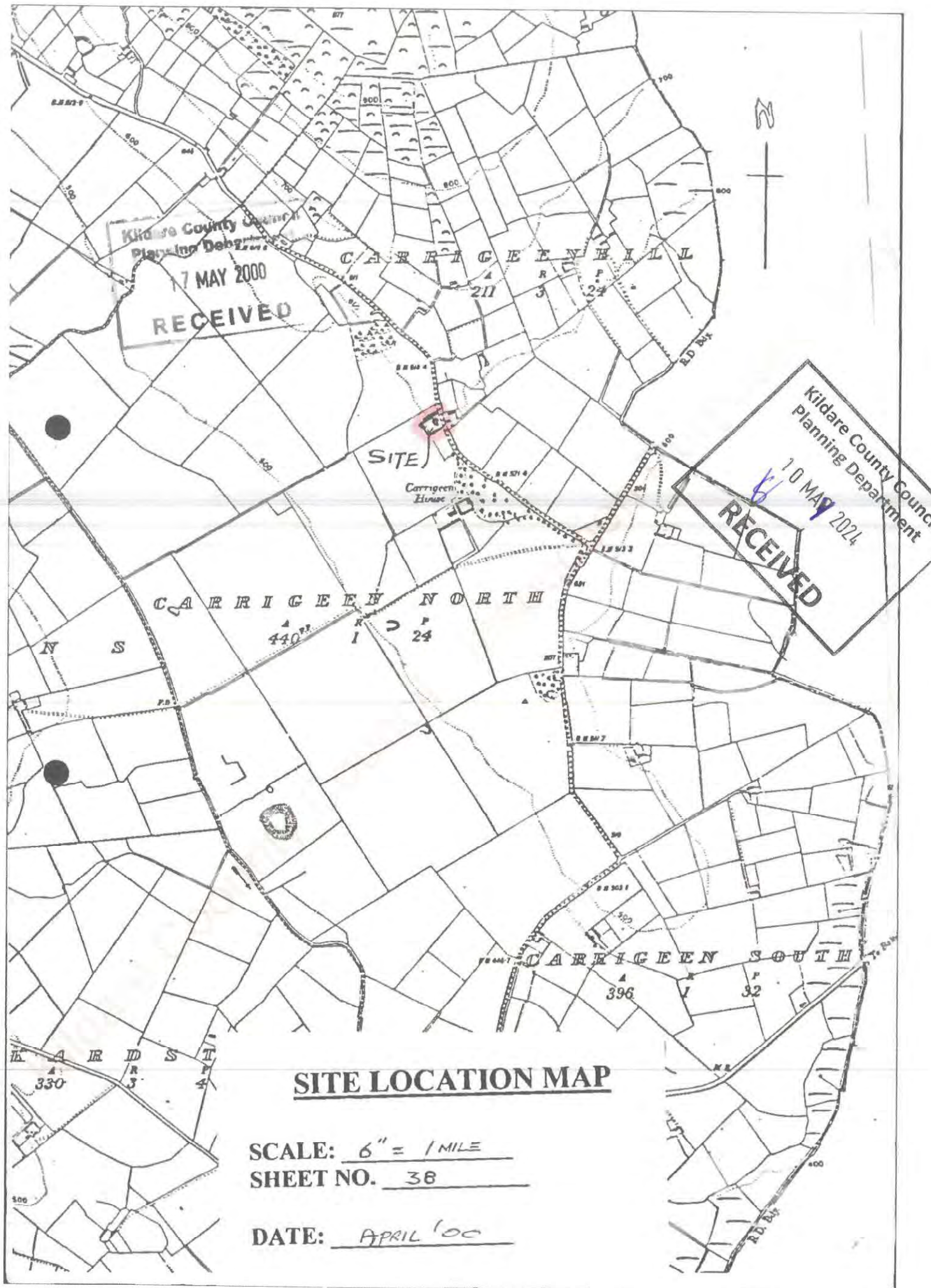
1. Section 5 Application Form, duly completed,
2. Copy House Plans and Section, 1/50,
4. Copy of Site Layout Plan, 1/500,
5. Copy of Location Map, 1/2500,
6. Appropriate Fee of €80 – PAID - 10th May 2024 by card in County Council Office.



I trust the above to be in order, but should you have any query please do not hesitate to contact me.

Yours sincerely,


Karen Dempsey



SITE LOCATION MAP

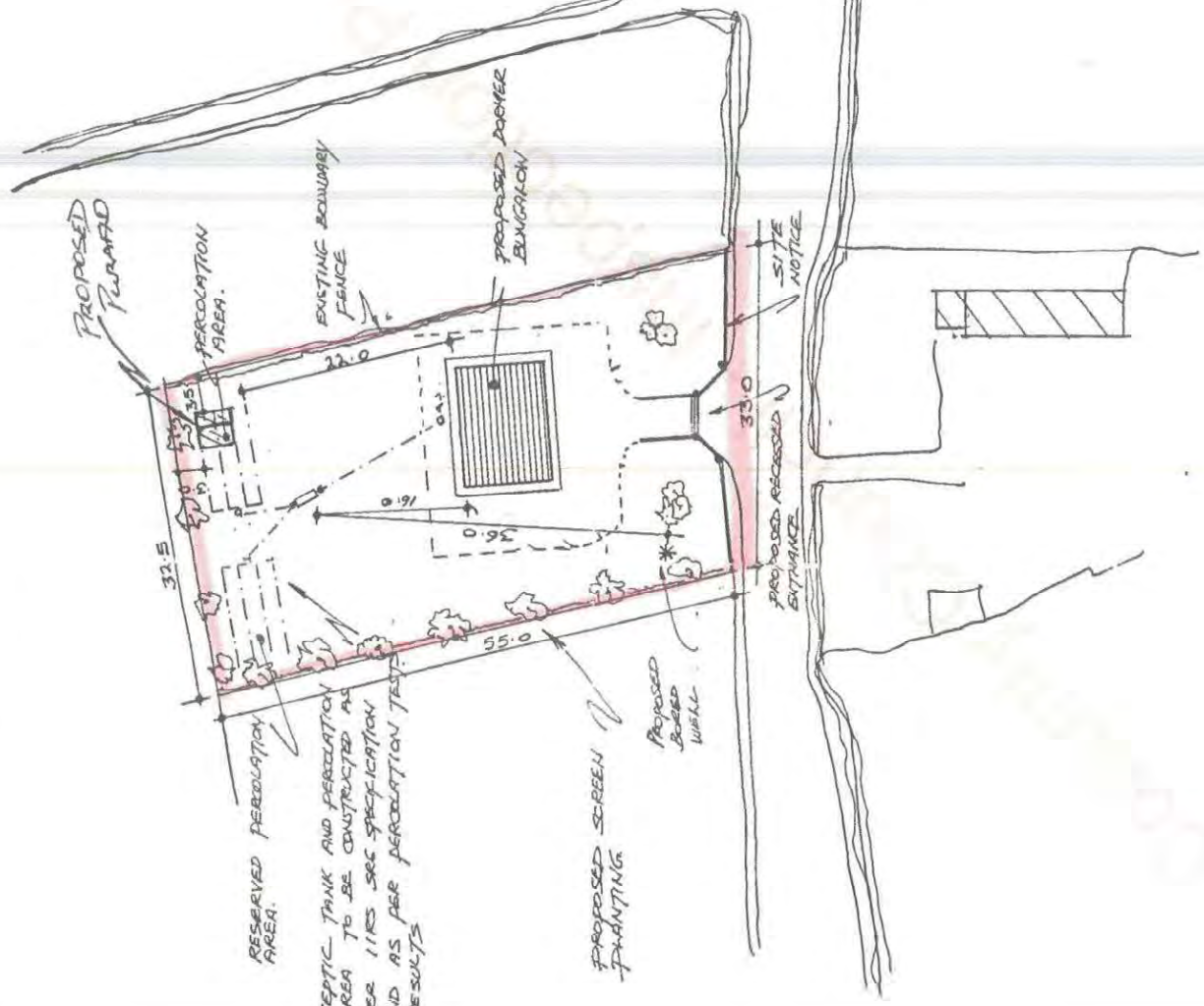
SCALE: 6" = 1 MILE
SHEET NO. 38

DATE: APRIL '00



Kildare County Council
Planning Department
10 MAY 2024
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Kildare County Council
PLANNING DEPARTMENT
09 OCT 2023
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SEPTIC TANK AND PERCOLATION AREA TO BE CONSTRUCTED AS PER IIRS SPECIFICATION AND AS PER PERCOLATION TEST RESULTS

PROPOSED SCREEN PLANTING

PROPOSED BORED WELL

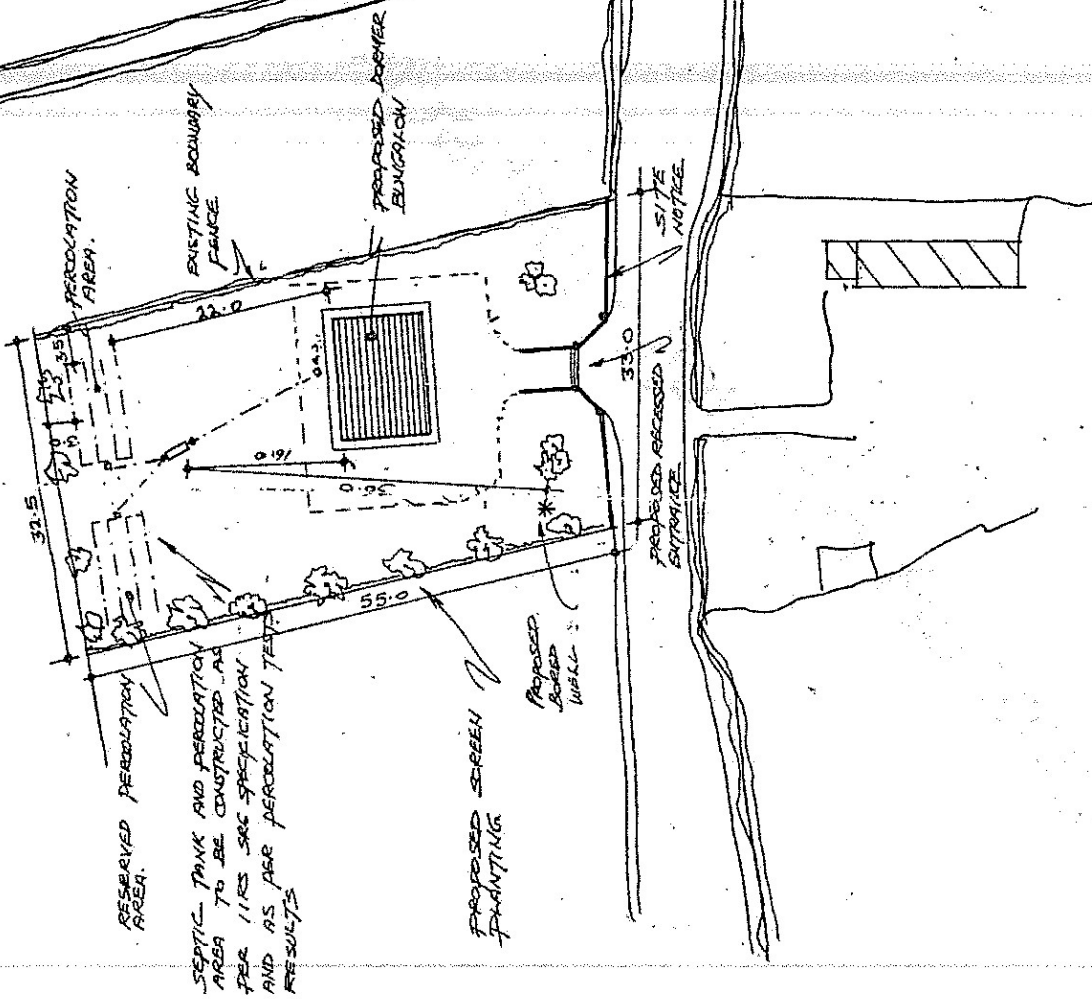
PROPOSED RECESSED ENTRANCE

SITE NOTICE

SITE LAYOUT PLAN

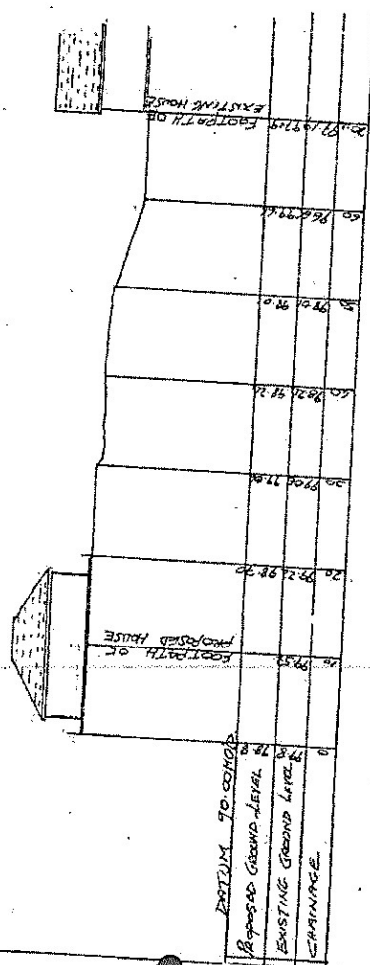
DRG BY NICK CANNAN

SCALE 1:500



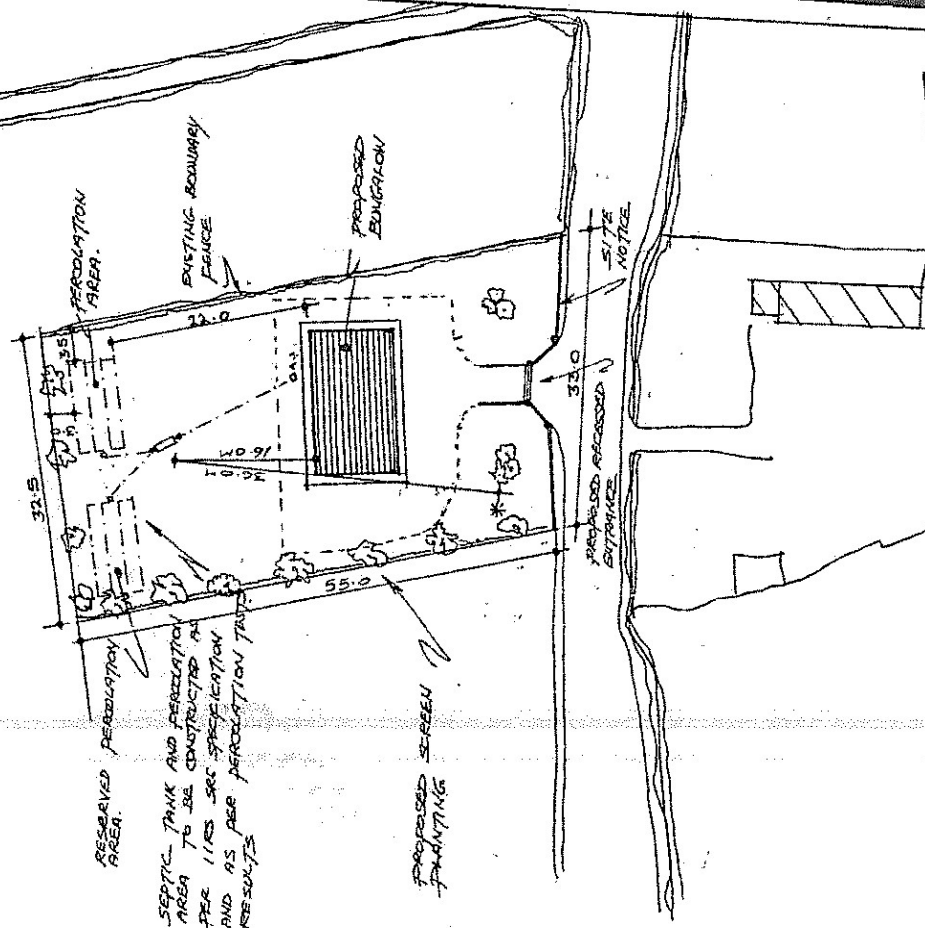
10 MAY 2024

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LONGITUDINAL SECTION

HORIZONTAL SCALE: 1:500
VERTICAL SCALE: 1:2500



SITE LAYOUT PLAN
SCALE 1"=100'

**Kildare County Council
PLANNING DEPARTMENT**

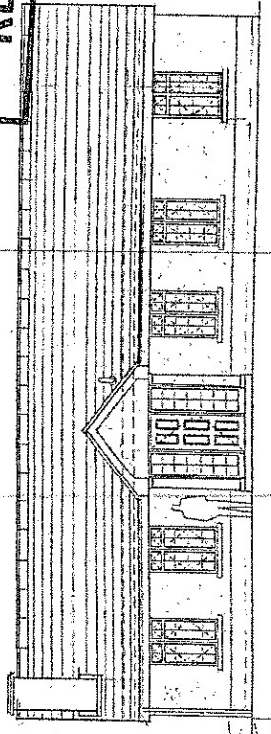
09 OCT 2000

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Kildare County Council
Planning Department

10 MAY 2024

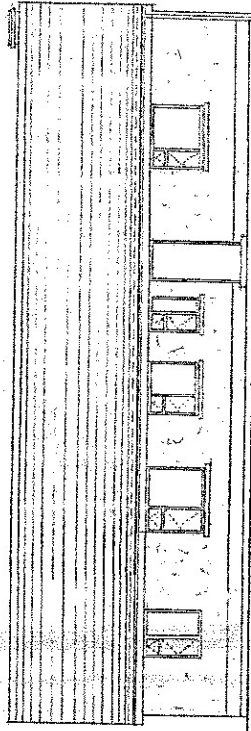
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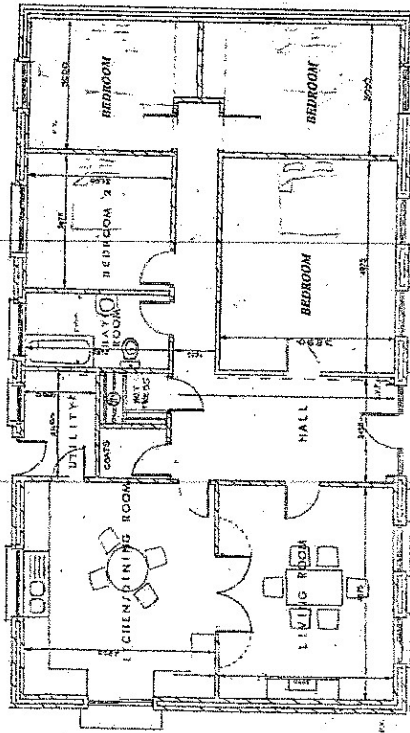
FRONT ELEVATION

VERGING LAGGERS
All verging laggings shall be in accordance with the relevant standards and specifications of the relevant authorities.

CLIMBER AND SHEDS
All climbing plants and sheds shall be in accordance with the relevant standards and specifications of the relevant authorities.



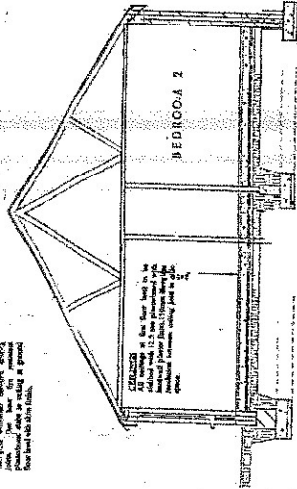
REAR ELEVATION



FLOOR PLAN

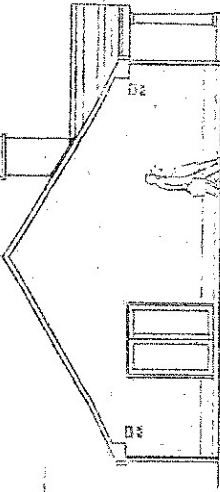
INTERNAL WALLS
All internal walls shall be in accordance with the relevant standards and specifications of the relevant authorities.

FOUNDATION
All foundations shall be in accordance with the relevant standards and specifications of the relevant authorities.



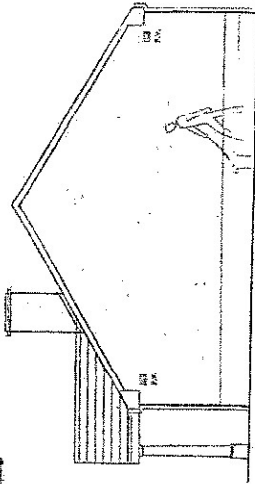
SECTION AA

FOUNDATION
All foundations shall be in accordance with the relevant standards and specifications of the relevant authorities.



SIDE ELEVATION

FOUNDATION
All foundations shall be in accordance with the relevant standards and specifications of the relevant authorities.



SIDE ELEVATION

INTERNAL WALLS
All internal walls shall be in accordance with the relevant standards and specifications of the relevant authorities.

CLIENT		DARACH DOYLE	
TITLE		PROPOSED RINGLOUGH IT CARBONEN, KILMUCKIN, CO. DUBLIN	
SCALE	DATE	BY	REV
1:50	10/05/24	DD	1
DRAWN		CHECKED	
DD		DD	
REV		REV	
10/05/24		10/05/24	



FINANCE CASH OFFICE
Kildare County Council
Aras Chill Dara
Devoy Park
Naas
Co. Kildare
10/05/2024 12:46:42

Receipt No. : FIN1/0/499566
***** REPRINT *****

Karen Dempsey Plg015

PLANNING EXEMPT DEVELOP FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total : 80.00 EUR

Tendered .
Credit Card 80.00
vd
0209
0000

Change : 0.00

Issued By : Aonghus Moloney
From : Financial Lodgement Area
Vat reg No.0440571C