

GUIDANCE NOTES

ENNIS TOWN COUNCIL Comhairle Bhaile na h-Inse

- (a) Guidance Notes to making a Planning Application;**
- (b) Guidance Notes on the Provision of Social and Affordable Housing - under Part V of the Planning Act 2000 (as amended)**
 - (i) Certificate of Exemption.**
 - (ii) Part V proposal.**
- (c) Fees for Planning Applications;**
- (d) Format for Site Notice.**

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ENNIS TOWN COUNCIL

Comhairle Bhaile na h-Inse

(a) Guidance Notes to making a Planning Application

1. Introduction

These Guidance Notes have been prepared by Ennis Town Council to assist you in making a Planning Application. These Guidance Notes are intended to be a practical guide and do not purport to be a legal interpretation of Planning Law. The law governing the Planning system is contained in the Planning and Development Act 2000 and the Planning and Development Regulations 2001, 2002, and 2003. Please note that the law may be updated at any time. Ennis Town Council is the Planning Authority for the town of Ennis.

2. Requirement to Obtain Planning Permission

If you want to develop land, you will require planning permission unless the development is specifically exempt from the requirement. Permission must be obtained for (a) the carrying out of any works on, in or under land or structures or (b) the making of a material change of use of land or structures subject to certain exemptions which are listed in Section 4 of the Planning and Development Act 2000 and Part 2 of the Planning and Development Regulations 2001.

3. Different types of Planning Applications

There are three different types of planning applications:

- (a) *Outline permission this would apply where you may wish to ascertain whether or not planning permission would be granted for a particular development, but would be reluctant to go to the expense of having detailed plans drawn up. Where Ennis Town Council grant outline permission, it means that they agree with your proposal in principle but it does not permit you to carry out any work.*

An outline application may not be made for permission for -

- (i) retention of development,*
- (ii) development which would consist of or comprise the carrying out of works to a protected structure or a proposed protected structure, or*
- (iii) development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence.*

- (b) *Permission consequent on the grant of outline permission - If you have already obtained outline permission, you will have to submit exact details and drawings with your application for permission consequent on the grant of outline permission*

- (c) *Permission for development of land including erecting or retention of any structure on land – this means that detailed plans and full particulars are submitted at the outset without applying for outline permission first. When Ennis Town Council*

issues a grant of permission, the development may commence, subject to compliance with pre-development conditions.

4. Procedure for making a Planning Application

In order to obtain Planning permission you must lodge a planning application with Clare County Council in accordance with the governing Planning and Development Regulations. This Guide will assist you in preparing your planning application and should be read in conjunction with the Planning Application form. It is essential that every question on the planning application form is answered fully and that all the required documentation and the appropriate fee is submitted with the planning application form to Ennis Town Council, Planning Department, Waterpark House, Drumbiggle, Ennis, County Clare.

The procedure for making a planning application is set out in the Planning and Development Regulations 2001, which may be obtained from the website of the Department of Environment and Local Government at www.environ.ie or may be purchased from the Government Publication Sales Office, Sun Alliance House, Molesworth Street, Dublin 1 (Phone No – 01-6476384)

5. Pre-Planning Enquiries

Prior to making a planning application, it is advisable to consult with the Planning Authority regarding house design, water supply and sewerage facilities etc. Clare County Council provides a pre-planning service and encourages applicants to submit written pre-planning enquiries to the Planning Authority for any major developments proposed.

6. Choosing an Architect / Agent

Very few people go through the planning process without availing of the professional services of an architect or agent at some stage. This may take the form of having someone act as your agent and deal with your planning application in its entirety and thus all correspondence will issue to you at your agent's address. Alternatively, you may have someone prepare the plans / drawings for you and you may decide to submit the application yourself.

7. Content of planning applications

A revised planning application form has now been prepared by Ennis Town Council in order to comply with the changes in the Planning Regulations. It is vitally important that all relevant sections / parts of the application form are completed and submitted with your planning application.

Thus your planning application shall –

- (a) state whether the application is for*
- ___ permission for development,*
 - ___ permission for retention of development,*
 - ___ outline permission for development or*
 - ___ permission consequent on the grant of outline permission*
(stating the reference number on the register of the relevant outline permission),
- (b) state the name and address, and telephone number and e-mail address, if any, of the applicant and of the person, if any, acting on behalf of the applicant, and indicate the address to which any correspondence relating to the application should be sent,*

Where an applicant is a Company registered under the Companies Acts, 1963 to 1999, state the names of the Company directors and the address of the registered office of the Company and the registration number of the Company,

- (c) *state the location, townland or postal address of the land or structure concerned, (as may be appropriate),*
- (d) *state the legal interest of the applicant in the land or structure. If the applicant is not the owner, the name and address of the owner of the land must be stated and your application should be accompanied by a letter from the landowner consenting to the making of the planning application.*
- (e) *state the area of the land to which the application relates and, where the application relates to a building or buildings,-*
 - (i) *the gross floor space of any existing building or buildings and of the proposed works, and*
 - (ii) *the number of houses (if any) to be provided,*
- (f) *indicate if the development comprises or is for the purposes of an activity in relation to which an integrated pollution control licence or a waste licence is required,*
- (g) *indicate if the development consists of or comprises the carrying out of works to a protected structure or proposed protected structure, and*
- (h) *in the case of an application for permission for the development of houses or of houses and other development, to which section 96 of the Act (Social and Affordable Housing) applies, specify how the applicant proposes to comply with a condition referred to in subsection (2) of that section to which the permission, if granted, would be subject.*

8. Documentation to accompany Planning Application

A planning application shall be accompanied by the following documentation in addition to the completed and signed planning application form -:

- (a) *Two copies of the relevant page of the newspaper in which notice of the application has been published. Please ensure that the newspaper notice complies with the Section 12 of these Guidance notes.*
- (b) *Two copies of the site notice erected or fixed on the land or structure. Please ensure that the Site Notice complies with the Section 13 of these Guidance notes.*
- (c) *Six copies of the site location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates, to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas (which shall be identified thereon). The site shall be marked so as to identify clearly the land or structure to which the application relates and the boundaries thereof in red, any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue and any wayleaves in yellow,*
- (d) *A plan showing the position of a site notice or notices affixed to the land or structure.*
- (e) *Six copies of the documents, particulars, plans, drawings and maps referred to in the section hereunder and a schedule listing such plans, drawings and maps. Where the application is for a large or complex development, additional copies of any documentation may be requested, in writing, by the Planning Authority.*

- (f) *Where appropriate, a certificate issued by the planning authority in accordance with Section 97 (Social and Affordable Housing) of the Act, or if such certificate has been applied for but not issued, a copy of the application made in accordance with Article 48 of the Planning and Development Regulations 2001, and*
- (g) *The appropriate fee as set out in Section (c) of these Guidance Notes. Cash should not be submitted by post.*
- (h) *If improvement works have to be carried out to the proposed site entrance to achieve adequate sight lines, it is necessary to show these improvements on a site layout plan / map and to submit a letter of consent from relevant landowners for any proposed improvements outside the site boundary. If a site does not adjoin the public road, please submit documentary evidence of right of way.*
- (i) *Where ESB lines or any overhead power lines traverse the site, please submit a letter from the Electricity Supply Board indicating that there is no objection to the proposed development or the relocation of the ESB lines.*
- (j) *You are advised that if your proposal involves the installation of a septic tank that this should be in accordance with the NSAI publication, SR6 of 1991. Where either site conditions or the known quality of the adjacent ground indicate that the site may not be capable of treating or disposing of septic tank effluent, it would assist in processing your planning application if tests were carried out by a suitably qualified technical consultant, the certified results were submitted with your application and where the test results indicate failure, proposals for site improvement or alternative treatment systems should be submitted. Where a proprietary system of effluent treatment is proposed, it should be approved by the Irish Agrément Board and detailed design calculations, construction details, effluent disposal method, adequacy of receiving medium and long-term maintenance proposals should be submitted.*
- (k) *If the site lies within a Natural Heritage Area(NHA), a Special Area of Conservation (SAC) or Special Protection Area for Birds (SPA), an assessment of the ecological impact of the proposed development should be submitted with your application. The Sites and Monument Record, Natural Heritage Area and Special Area of Conservation designations can be inspected in the Offices of Ennis Town Council, Waterpark House, Drumbigge, Ennis, and in local libraries during normal office hours.*
- (l) *If the landowner is willing to enter a Section 38 (Section 47) Agreement in respect of the remainder of the landholding, a letter of consent from the landowner should be submitted.*

9. Application for making of a Material Change of Use

A planning application for any development consisting of or mainly consisting of the making of any material change in the use of any structure or other land, or for the retention of any such material change of use, shall be accompanied by –

- (i) *a statement of the existing use and of the use proposed together with particulars of the nature and extent of any such proposed use,*
- (ii) *where the development to which the application relates comprises the carrying out of works on, in, over or under the structure or other land, 6 copies of such plans*

- (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements listed above), and such other particulars, as are necessary to describe the works proposed,
- (iii) *such plans and such other particulars as are necessary to identify the area to which the application relates.*

10. Requirements for plans, drawings, maps referred to above

- a *The six copies of plans, drawings and maps accompanying a planning application shall all be in metric scale and comply with the following requirements:*
- b *Site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon). All other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such other scale as may be agreed with the Planning Authority.*
- c *The site boundary shall be clearly delineated in red. All buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown. Land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application shall be outlined in blue and wayleaves shall be shown in yellow.*
- d *The site layout plan and other plans shall show the level or contours, where applicable, of the land and the proposed structures relative to Ordnance Survey datum or a temporary local benchmark.*
- e *Drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity, at a scale of not less than 1:200 .*
- f *Plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the proposed works.*
- g *Plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height and finished floor level) of any proposed structure and the site. The site or layout plans shall indicate the distances of any such structure from the boundaries of the site.*
- h *Any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance Survey sheet number.*
- i *The north point shall be indicated on all maps and plans other than drawings of elevations and sections.*
- j *All plans and drawings shall indicate the name and address of the person by whom they were prepared. Where the proposal involves any change to ground level, please detail and submit the appropriate drawings.*
- k *A planning application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an Architectural Conservation Area or an area specified as an architectural conservation area in a draft Development Plan or a*

proposed variation of a Development Plan, shall, in addition to meeting the above requirements be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.

- l In addition to the above requirements, the Planning Authority may request an applicant to provide a scale model of a proposed development, showing the elevations and perspective of the proposed development.*
- m An Outline application shall in addition to the requirements set out above, be accompanied only by such plans and particular as are necessary to enable the Planning Authority to make a decision in relation to the siting, layout or other proposals for development in respect of which a decision is sought.*
- n Applications requiring provision of services by Statutory Undertakers: Details of all existing and proposed services within and in the vicinity of the development site shall be indicated.*
- o Landscaping Details: Comprehensive landscaping details must be submitted to include details of mounding and seeding, plant and tree varieties, height and girth of trees proposed, maintenance and replacement planting, and phasing/timing of implementation.*
- p Housing Development with 5 or more houses, commercial or industrial developments on sites of 0.2 hectares or more in area: Detailed sections indicating all proposed services, proposed longitudinal road profiles, existing and proposed ground levels with all levels incorporated therein to Malin Ordnance Datum. Existing ground levels in private property and in public areas immediately outside the boundaries of the development site should also be clearly detailed.*

11. Notice of planning application.

A person making a planning application (applicant) shall within the period of 2 weeks before the making of a planning application -:

- (a) give notice of the intention to make the application in a newspaper (See Section on Newspaper Notice below) and*
- (b) give notice of the intention to make the application by the erection or fixing of a site notice (See Section on Site Notice below) Where the last day of the 2 week period referred to above is a Saturday, Sunday, a public holiday or any other day on which the offices of the Planning Authority are closed, the application shall be valid if received on the next following day on which the offices of the Planning Authority are open.*

12. Newspaper Notice

The Newspaper notice shall be published in a newspaper approved for this purpose by the Planning Authority. The Newspapers approved by Clare County Council are

- The Clare Champion.*

- *The Examiner*
- *The Irish Independent*
- *The Irish Times*

The Newspaper notice shall contain as a heading the name of the Planning Authority to which the planning application will be made and shall state –

- (a) *the name of the applicant,*
- (b) *the location, townland or postal address of the land or structure to which the application relates*
- (c) *whether the application is for –*
 - *— permission for development,*
 - *— permission for retention of development,*
 - *— outline permission for development or*
 - *— permission consequent on the grant of outline permission*
(stating the reference number on the register of the relevant outline permission),
- (d) *the nature and extent of the development, including-*
 - (i) *where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided,*
 - (ii) *where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,*
 - (iii) *where the application relates to development which would consist of or comprise the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,*
 - (iv) *where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or*
 - (v) *where a planning application relates to development in a strategic development zone, an indication of that fact, and*
 - (vi) *that the planning application may be inspected or purchased at the offices of the planning authority and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application.*

13. Site Notice

A site notice erected or fixed on any land or structure in shall be -

- (a) *in the form set out in these Guidance Notes. The sample site notice is included in the application pack to assist applicants in making a planning application. Applicants should ensure that their site notice complies with the Planning and Development Regulations, 2001*
- (b) *inscribed or printed in indelible ink on a white background, affixed on rigid, durable material and secured against damage from bad weather and other causes, and*
- (c) *securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the*

land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time. Where the land or structure to which a planning application relates does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure, and shall not be obscured or concealed at any time.

*Where a planning authority considers that the erection or fixing of a single site notice is not sufficient to comply with the above requirements or does not adequately inform the public, the authority may require the applicant to erect or fix such further site notice or notices in such a manner as it may specify and to submit to the authority such evidence as it may specify in relation to compliance with any such requirements. The new Regulations require that where a planning application is made in respect of any land or structure, **and a subsequent application is made within 6 months from the date of making the first application** in respect of land substantially consisting of the site or part of the site to which the first application related, the Site Notice of the subsequent application shall be inscribed or printed in indelible ink on a **yellow background** and affixed on rigid, durable material and be secured against damage from bad weather and other causes. The Site Notice shall be maintained in position on the land or structure concerned for a period of 5 weeks from the date of receipt of the planning application by the planning authority and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.*

SITE NOTICE - Directions for completing Site notice.

1. *The name of the applicant for permission (and not his or her agent) should be inserted here.*
2. *Delete as appropriate. The types of permission which may be sought are –*
 - (a) permission,*
 - (b) retention permission,*
 - (c) outline permission,*
 - (d) permission consequent on the grant of outline permission. If this type of permission is being sought, the reference number on the planning register of the relevant outline permission should be included.*
3. *The location, townland or postal address of the land or structure to which the application relates should be inserted here.*
4. *Delete as appropriate. The present tense is used where retention permission is being sought.*
5. *A description of the nature and extent of the development should be inserted here. The description shall include –*
 - (a) where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided. ‘Houses’ includes buildings designed as 2 or more dwellings or flats, apartments or other dwellings within a building,*
 - (b) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,*

- (c) *where the application relates to development which would consist of or comprise the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,*
 - (d) *where an environmental impact statement has been prepared in respect of the planning application, an indication of that fact,*
 - (e) *where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact,*
 - (f) *where a planning application relates to development in a strategic development zone, an indication of that fact, or*
 - (g) *where a planning application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of the 2001 Regulations (Major Accident Directive), an indication of that fact.*
6. *Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.*
7. *The date that the notice is erected or fixed at the site should be inserted here.*

14. Invalid Applications

Where the Planning Authority considers that a planning application does not comply with the requirements as specified in the Regulations, including the requirements of the newspaper notice or the site notice, the planning application may be invalid . Where, on inspection of the land to which the application relates, the planning authority considers that the requirements regarding the erection of the Site Notice have not been met, the planning application shall, notwithstanding the fact that an acknowledgement has been sent to an applicant, be invalid.

A planning authority shall as soon as may be after receipt of an invalid application,

- (a) *by notice in writing-*
 - (i) *inform the applicant that the application is invalid and cannot be considered by the planning authority,*
 - (ii) *indicate which requirements of the permission regulations have not been complied with, and*
 - (iii) *request the applicant to remove the site notice or notices erected*
- (b) *return the planning application to the applicant, including all particulars, plans, drawings and maps together with any fee paid with the application.*

Where a planning application is deemed to be invalid, the planning authority shall by notice in writing :

- (a) *inform any person or body who has made a submission or observation on the application of that fact and return any fee paid in respect of any such submission or observation, and*
- (b) *inform any body to whom notice of the application was sent*

15. Further Information on Planning Applications

Where further information or revised plans are received, whether it is unsolicited or has been requested by the planning authority, and the planning authority consider that the information contains significant additional data or revised plans.

- (a) the planning authority must notify any persons or bodies who have previously made submissions or observations on the application that the additional further information or revised plans has been received and invite them to make further submissions. There will be no fee payable where a copy of the receipt of the fee paid for previous submissions is produced, and*
- (b) the applicant must place a notice in an approved newspaper advising that further information or revised plans have been received, state where it can be inspected, and invite submissions or observations to be made. The planning authority has 4 weeks from the receipt of the further information from the applicant to make a decision on an ordinary planning application. Where the planning authority looks for further information and the request is not complied with within 6 months, the planning application will be declared withdrawn.*

16. Submissions or observations in relation to planning application.

Any person or body, on payment of the prescribed fee, may make a submission or observation in writing to a planning authority in relation to a planning application within the period of 5 weeks beginning on the date of receipt by the authority of the planning application.

Where a submission or observation is received by the Planning Authority after the period of 5 weeks from the date of receipt of the application, the planning authority shall return to the person or body concerned the submission or observation received with the fee and notify the person or body that their submission or observation cannot be considered by the planning authority

Any submission or observation received shall-:

- (i) state the name and address, and telephone number and e-mail address, if any, of the person or body making the submission or observation, and*
- (ii) indicate the address to which any correspondence relating to the submission should be sent.*

The Planning Authority shall acknowledge in writing the receipt of any such submission or observation. The Planning Authority shall give notification of its decision in respect of a planning application to the applicant and to any other person or body who made a submission or observation within 3 working days of the decision. The Planning Authority shall notify all parties that an appeal against the decision may be made to An Bord Pleanála within the period of 4 weeks beginning on the date of the decision of the planning authority.

17. Withdrawal of planning application

A planning application may be withdrawn, by notice in writing from the applicant, at any time before the giving of the decision of the planning authority in respect of the application.

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(b) Guidance Notes on the Provision of Social and Affordable Housing under Part V of the Planning Act 2000 (as amended).

Important Information for persons applying for single house or multiple house development in area's governed by the

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- **Ennis and Environs Development Plan 2003**
 - **PLANNING AND DEVELOPMENT ACT 2000**
 - **PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2002**

Provision of Social and Affordable Housing

Where applications for planning permission for single house or multiple house developments are being made within the area governed by the **Ennis and Environs Development Plan 2003**

and the application sites are located on land zoned solely for residential use or as other settlement land the following documentation must be submitted with the applications to ensure its validity and thus, its acceptance by the Planning Authority.

In the case of a housing development consisting of 1,2,3 or 4 houses or on a site measuring 0.1 Hectares or less -

A Certificate of Exemption issued by the Planning Authority in accordance with Section 97 of the 2000 Act (as amended), or if such certificate has been applied for but not issued, a copy of the application made for such Certificate.

In the case of a housing development consisting of 5 or more houses

a proposal specifying how the applicant for permission proposes to comply with the requirements of Part V of the 2000 Act (as amended by the 2002 Act) in relation to the provision of social and affordable housing. The above requirements are in addition to the other statutory requirements which determine the validity of an application for planning permission.

Further information on Certificates of Exemption including explanatory leaflets and application forms are available from the Planning Section, Ennis Town Council, Waterpark House, Drumbiggle, Ennis, (065 6828040) Further information on the content of Part V proposals is also available from the above address.

A meeting on any aspect of the Planning and Development Acts 2000-2002 relating to the provision of social and affordable housing can be arranged with the relevant staff by contacting the Planning Section, Ennis Town Council, Waterpark House, Drumbiggle, Ennis. (065 6828040)

In the case of the formulation of Part V proposals it is recommended that the applicant would meet with relevant staff of the Council prior to submission of the application for planning permission and the submission of Part V proposal.

PLANNING & DEVELOPMENT ACTS 2000-2002

PART V SOCIAL & AFFORDABLE HOUSING

Information required to assist in the preparation of the Part V Agreement between the Planning Authority and the Applicant. The information is required in order to initiate the process of preparing a Part V proposal.

Note: This does not replace the requirement to submit a formal Part V proposal which must accompany the full planning application.

- Location Map (to scale 1:1000) - Outline in green the total parcel of land originally purchased. Outline in red the applicant site.
- Site layout drawing (to scale 1:500)
- Date on which land was purchased (whether by itself or as part of a larger parcel of land)
- Amount paid for total parcel of land.
- Area of original parcel of land.
- Area of applicant site.
- Relevant extract from Contract of sale should be made available.
- Current Certificate of market valuation in respect of the applicant site. (Certificate to be dated within one month of submission to Council)
- Current valuation as development land, and
- Current valuation of the land at existing use value as at time of purchase.
- Calculation of the monetary value that would be payable to the applicant by the Planning Authority in the event that 20% of the site were to be transferred to the Authority.
- Number of housing units to be provided on applicant site.
- Housing density (net) proposed (Houses/Ha)
- Type of accommodation units proposed -
House 2 b/r, house 3 b/r, semi-d, detached, apartment, other
- Unit cost price to Council to include site cost, infrastructure, house cost, profit element.
- Estimated legal and other professional fees to be incurred by applicant in relation to Part V.
- Any other documentation which the applicant considers will assist in achieving Agreement on the Part V requirements.

Contact Planning Section, Ennis Town Council, Waterpark House, Drumbiggle, Ennis. Phone 065 6828040

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