



Receipt No 1826 036
Issued 15 10 2024
€ 80.00 Cheque

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Friends Of Bianconi Society
<i>Address</i>	Bianconi Chapel, Boharlahan, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	Karol O'Mahony Architects
<i>Address</i>	Third Floor, 121 Capel Street, Dublin 1.
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location</i> (as may best identify the land or structure in question)	Boharlahan, Co. Tipperary
---	---------------------------

**TIPPERARY CO. COUNCIL
RECEIVED**
15 OCT 2024
PLANNING SECTION
FILE NO.

Tipperary County Council
RECEIVED
15 OCT 2024
CASH OFFICE
Civic Offices, Clonmel

Tipperary County Council
RECEIVED
15 OCT 2024
Civic Offices, Clonmel

4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

A - Repairs and Stabilisation on the Benzoni carved Monument on the South wall internally.
B - Removal of modern Dry Lining from the full height of the South wall internally.
C - Localised Opening Up of modern linings to check condition and inform the Conservation Plan.
Proposed floor area of proposed works/uses: sqm

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner	B. Occupier <input checked="" type="checkbox"/>
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Custodian on behalf of the diocese Address: Bianconi Chapel, Boharlahan, Co. Tipperary	

Signature of Applicant(s) Maol O'Mahony (agent) Date: 10/10/2024
~~01/08/2024~~

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

**Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary**

OR

**Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary**

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

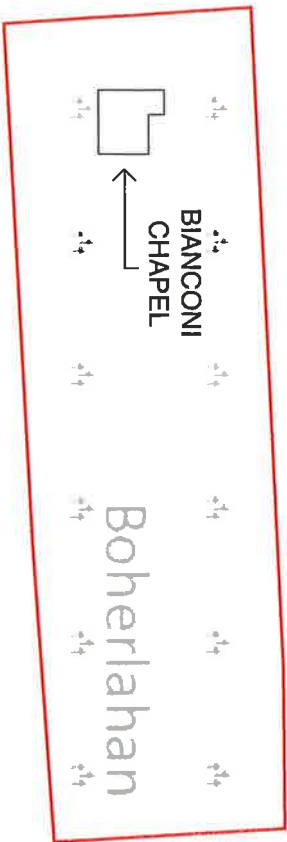
Fee Recd. € _____

Receipt No _____

Date _____

Received by _____

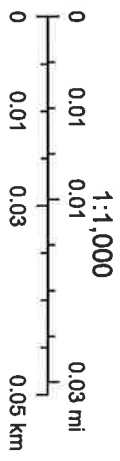
Saint Peter and
Paul's Catholic
Church



ACCESS POINT

R660

Saint Ladour



Method Statement for Conservation Works 08/10/2024

Bianconi Chapel, Boherlahan, Co. Tipperary



Prepared by: Karol O'Mahony M.RIAI, Grade 2 Conservation Architect.

All contents copyright of KoMA.

This Method Statement is only to be used on works where KoMA are appointed as Conservation Architects.

Introduction

It is proposed to carry out essential urgent conservation works alongside the preparation of a Conservation Plan which will inform the broader care and restoration of the protected structure. All works are to be carried out by contractors and craftspersons experienced with historic buildings and carved monumental stonework under the guidance of a Grade 2 Conservation Architect. The initial short term works are:

- A - Repairs and Stabilisation of the Benzoni carved Monument on the South wall internally.
- B - Removal of modern Dry Lining from the full height of the South wall internally.
- C - Localised Opening Up of modern linings to check condition and inform the Conservation Plan.

Protected Structure Description

Tipperary County Council RPS: TRPS1056

NIAH Ref: 22205305, Regional Rating.

NIAH Description

Detached square-plan single-bay double-height mortuary chapel, erected 1857, with four-stage tower to north-west and with apse to west, altar, end. Pitched slate roof to chapel, hipped slate roof to tower, spired slate roof to apse. Cut sandstone copings and eaves course, and carved sandstone cross finial to chapel, cast-iron rainwater goods and cast-iron cross finial to tower. Sneaked dressed limestone walls with cut sandstone quoins and cut sandstone string courses, carved limestone date plaque with cut sandstone surrounds to openings. Round-headed window openings with leaded glazing to first floor front and apse of chapel, tripled and having carved sandstone imposts and keystones to front elevation. Round-headed single- and two-light windows to tower, with louvred timber fittings. Square-headed window opening to lower level of chapel with timber casement window. Round-headed door openings to chapel and tower having timber battened doors. Interior has ornate cast-iron gallery to north side, with opening to tower, above sculpted marble Celtic cross set into wall, and with sculpted marble memorial bas-relief to south wall. Cut limestone wall with sandstone coping to site boundary, render stations of the cross to south boundary, steel gates to entrance.

NIAH Appraisal

Commissioned and designed by Charles Bianconi on the death of his daughter, the Italianate style of this memorial chapel is appropriate to his nationality. The triple window is like that on the Market House in Cashel. The chapel's form is simple yet architecturally effective, enhanced and emphasised by the sandstone quoins and string courses. Artistic interest is added by the bas-reliefs to the interior, carved in Italy by Benzoni. It forms an interesting group with the outdoor stations of the cross in its grounds, and the church and grotto to the north.

A - Repairs to Benzoni Monument to Kate Henrietta Bianconi

Methodology for investigation and repairs to this monument have been written in conjunction with the proposed conservator, Philip Quinn Stone Sculptor, Artist and Mason.

The Bianconi funerary monument at the South wall is to be propped, partially disassembled, repaired and cleaned at localised staining. Repair and conservation of this monument is likely to require a number of phases given its size and apparent damage. The intention at the end of Phase 1 is to have the monument well presented, in an improved condition, self supporting with knowledge that it is safe.

Existing Condition

Investigative and repair actions are needed as the monument shows notable movement especially in the surround panels to the upper central relief carving. The surrounds are cracked and have shifted out of line. There is also cracking and apparent movement to other parts. It is probable that adjacent modern drylining has put pressure on the monument from both sides through seasonal expansion/ contracting. The lettered dedication panel set centrally is open on its top surface and we believe this is not sitting at its original alignment. There is evidence of water flowing through the monument at the bottom left of the lower death-bed scene, causing damage to the marble. There are localised stain patches across the monument, possibly being associated with dampness affecting metal fixings to its rear. Poor filling repairs have been carried out in the past using inappropriate modern sealers.

The cracking, movement and potential corrosion of hidden ferrous metal fixings all create an immediate concern for the safety and stability of the monument. Staining, dampness and bad repairs detract immensely from the presentation of this important artefact. There are currently various factors contributing to its ongoing deterioration and endangerment. These must therefore be addressed in the short term.

Research

Background research on this monument has been carried out to gather all available information on its creator, commissioning, creation and installation. We have visited its sister monument, The Memorial to Daniel O'Connell by Benzoni, which is in the Irish College in Rome. This allowed us to compare details, joints and alignment of the panels.

Temporary Propping

The nature and condition of fixings to various marble elements of the monument are unknown. Therefore, all parts must be safeguarded by propping in advance of any opening up. The propping should be positioned so as to prevent any movement or slippage of individual parts but must not place any pressure on the marble elements. A propping frame can bear onto the chapel floor and onto the opposite wall at points well removed from the high cross monument.

The layout of the underfloor vaults and the nature / condition of the supporting structure must be investigated and understood in advance of placing the weight of temporary works onto the chapel floor.

Protection of Chapel Interior

During works all historic fabric must be robustly protected. This includes boarded covering of the slabbed sandstone floor, screening of the opposing monument on the North wall and covering of the black marble altar shelf at the apse. The entrance door reveals must be protected when items are being moved in/out.

Investigation and Repair

Modern fillers and sealers should be carefully removed. Disassemble any parts as necessary so as to allow investigation of fixings, repair of cracked marble or realignment of shifted elements. The exact approach can only be decided during works on investigation of the original assembly sequence.

Where it is appropriate and feasible to replace failed or corroding fixings, a non ferrous metal must be used. Any other issues encountered are to be addressed in conjunction with the conservation architect.

Provided that stable and dry backing conditions are in place, reassemble the removed elements to their original intended alignment. Cracked marble parts are to be retained and refitted tightly to minimise visibility of the cracks. Bedding, jointing or fixing materials are to be traditional breathable products only and approved in advance by the conservation architect.

Cleaning

Cleaning of the marble is to be localised at the visible stain locations only, to be carried out using a traditional Bread Soda or Bread or Lime/Water poultice which will draw out the impurities. The chosen method should be tested firstly in a small inconspicuous area. This gentle poultice will be applied and left in situ for a few days, but monitored at intervals during that time. No abrasive, chemical or general full monument marble cleaning is to take place.

On completion of Phase 1 works to the Benzoni monument, the work undertaken, findings and recommendations for any further actions required will be recorded in the buildings Conservation Plan.

B - Dry Lining Removal at South Wall

The chapel interior is fully dry-lined in plasterboard on timber battens, thought to have been applied circa 1967. The wall finishes are painted and a stencilling pattern was added by local school children in 1997.

The dry lining is an unfortunate and inappropriate modern intervention. It prevents natural breathability of the traditionally constructed masonry walls, raises moisture levels on their interior surfaces and prevents visibility of any resultant dampness. On the interior of the South wall the dry lining is highly likely to be directly influencing deterioration of the Benzoni monument and adjoining wall plaque. It encloses the side edges of the marble and prevents wall moisture dissipating.

All dry lining will have to be removed in due course. As part of these immediate works it is proposed to remove it from the entire South wall. This will allow full visibility and understanding of wall condition as well as how that condition may in particular be affecting the marble monuments.

Dry lining is to be carefully removed in a manner that minimises pulling masonry from the substrate. Any delicate or vulnerable remnants of older wall finishes behind are to be protected or set aside if loose, for the conservation architects inspection. The wall surface, if stable, and regardless of whether plaster is in situ or not, will be left as found for the short term while a conservation plan for future works is prepared.

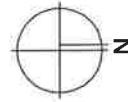
C - Localised Opening Up

Small scale opening up works are required to investigate materials and condition, thereby informing the conservation plan for the building. The investigations will not affect any historic fabric. Cuttings through the modern dry lining will be approx 300mm square and the lining will be temporarily fixed back in place where feasible. Proposed opening up locations are shown on the attached plan.

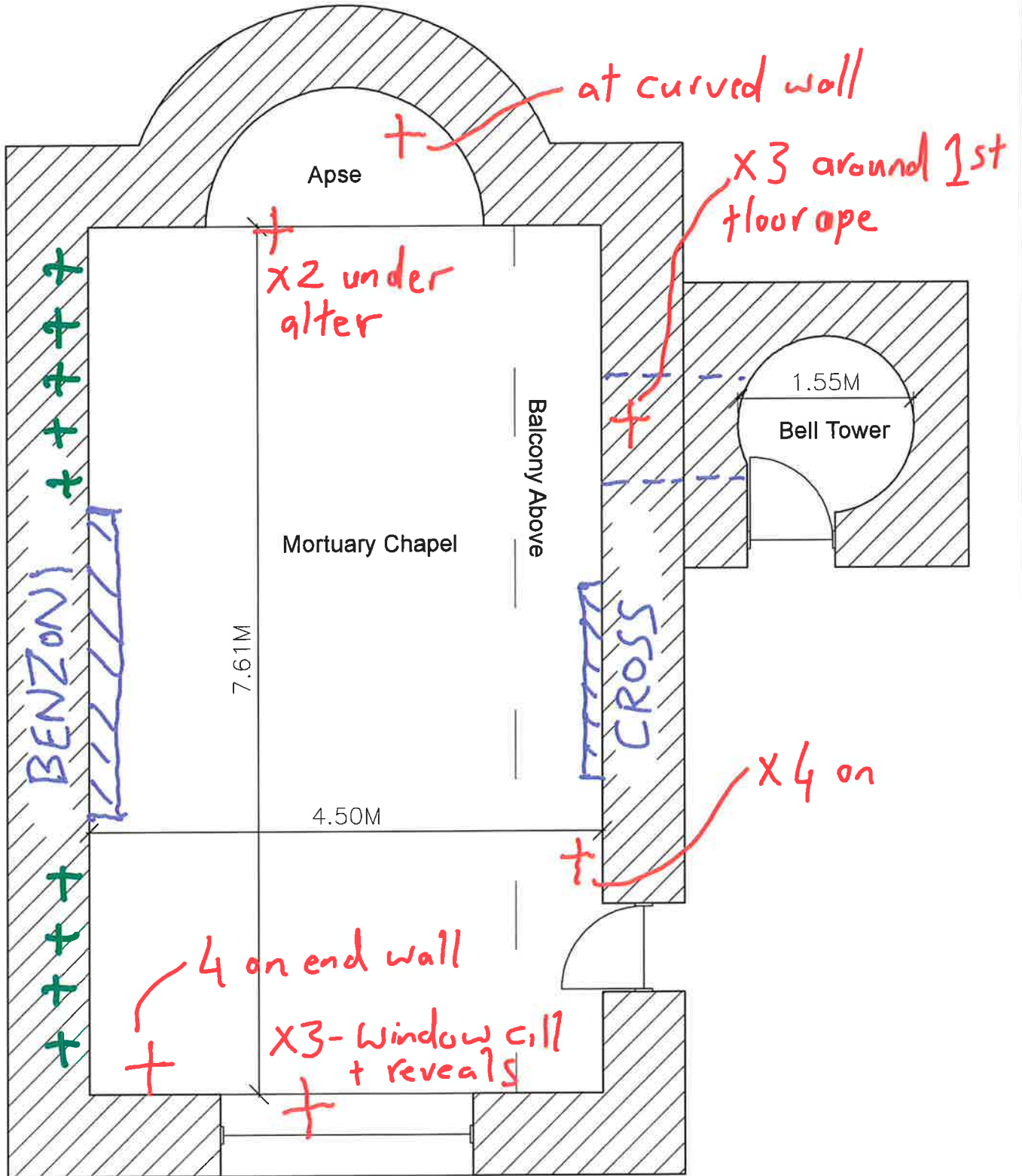
Attachments:

a) Bianconi Chapel Plan Markup. b) Philip Quinn Master Stonemason CV. c) Site Visit Photograph.





Markup 1/08/2024.



+ Opening Up Locations
+ Remove Dry Living.

Indicative Ground Floor Layout
 Scale 1.50

PHILIP QUINN MASTER STONEMASON

NAME Philip Quinn
ADDRESS The Green, Holycross, Thurles, Co Tipperary
PHONE 086 2532474
EMAIL philipq1968@gmail.com

BACKGROUND I am a conservation stone mason and sculptor living and working in Holycross, Co Tipperary. I have been building and carving stone since 1989.

EDUCATION I have attended various courses in Conservation and Restoration practices over the past 25 years;

- ❖ The Orton Trust, Kettering, U.K.
- ❖ Studio Lucio Carusi, Carrara, Italy – specifically to learn about marble and the use of the pointing tool for reproducing in marble the plaster busts, etc
- ❖ Peter Koenig Sculptor, Kerry
- ❖ The Scotlime Trust, Scotland – I completed various courses here; grouting, restoration of reinforced concrete, use of hot-lime in winter
- ❖ NCAD, Thomas Street, Dublin – Bronze Casting
- ❖ Antique Bronze Academy, U.K. – “Bronze Behaving Badly” – Bronze Cleaning & Restoration

RELEVANT EXPERIENCE

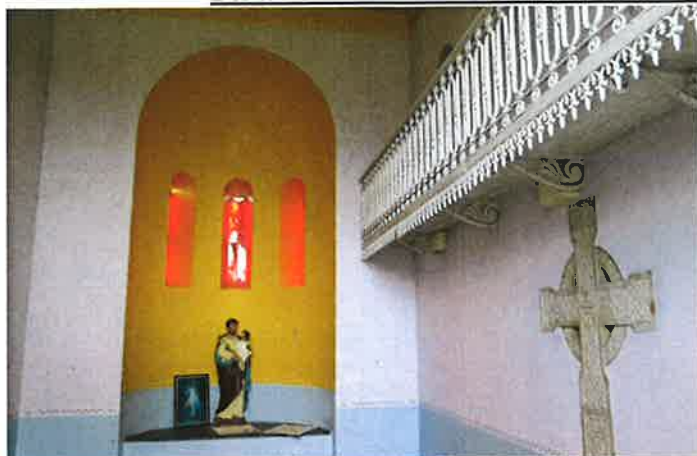
- ❖ Lismore Castle, Co Waterford (2010 to date) – removing and reinstating most of the North East Tower, Repairs to the main door surround of the Castle and various other doorways, Repairs to the Flag Tower, Installing a new cobble floor in the Riding House, Repairs to Fireplaces in Entrance Hall (Black Marble), Main Living Room (Slate), Head Gardener’s House (Slate), Window Mullions and surrounds replaced and repaired at many locations in the Castle, Re-building Avenue Wall, Lord’s Walk (Sandstone), Walled Garden (Brick Wall)
- ❖ Lismore Courthouse, Lismore, Co Waterford – exposing of hidden arch-way and stabilising of same; grouting and re-pointing.
- ❖ Cathedral of the Assumption Thurles, Co Tipperary – repairs to Portland Stone statue of Jesus on roof of Cathedral, including replacing foot. Also repairs to Window Mullions on Bell Tower of Cathedral.
- ❖ CBS Secondary School Thurles – repairs to Carrara Marble statue of Jesus, including replacing finger and entire hand.

- ❖ The Steeples Restaurant, Nenagh, Co Tipperary – repairs to two Portland Stone statues of Angels (1.2m x 1m x 1m), including replacing wings entirely, replacing hands, repairing hair and noses, grafting as needed.
- ❖ Dower House Westport, Co Mayo – repairs to Limestone Columns, Door Surround and Mullions, cleaning and grafting, stabilising and grouting.
- ❖ Castlecomer Demesne – repairs to Portland Stone Horse's Head above archway entrance into stable yard, re-carving and grafting ears, nose and mane.
- ❖ Liberty Square Thurles – for Tipperary County Council – cleaning, grouting and re-pointing of statues (bronze and limestone) and plinths.
- ❖ I have completed many repair/restoration/consolidation works around the country for several County Councils.
- ❖ I regularly dress stone for contractors in the Conservation industry.

BIANCONI CHAPEL - EXTERIOR



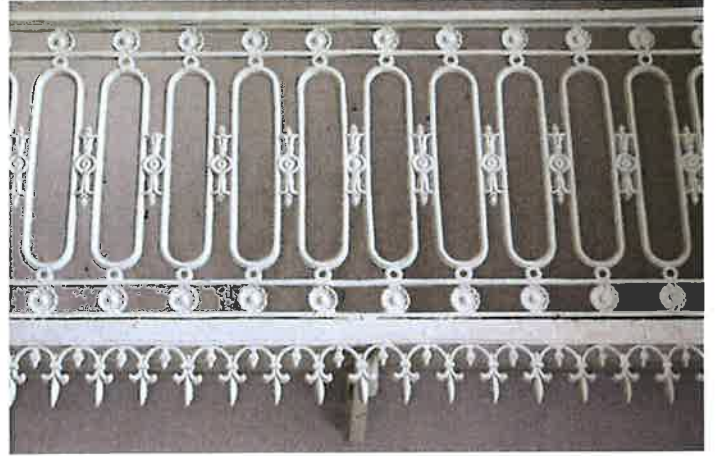
BIANCONI CHAPEL - INTERIOR



BIANCONI CHAPEL - EXTERIOR CHARACTER



BIANCONI CHAPEL - INTERIOR CHARACTER



BIANCONI CHAPEL - EXTERIOR CONDITION



BIANCONI CHAPEL - EXTERIOR CONDITION



BIANCONI CHAPEL - EXTERIOR CONDITION



BIANCONI CHAPEL - INTERIOR CONDITION



BIANCONI CHAPEL - INTERIOR CONDITION



TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Reference: S5/24/118

Applicant: Friends of Bianconi Society

Development Address: Bianconi Mortuary Chapel, Boherlahan, Cashel, Co. Tipperary

Proposed Development: A - Repairs and stabilisation of the Benzoni carved monument on the south wall internally,
B - Removal of modern dry lining from the full height of the south wall internally,
C - Localised opening up of modern lining to check condition and inform the Conservation Plan.

1. GENERAL

On the 15th October 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Friends of Bianconi Society c/o Karol O'Mahony Architects in respect of the following development at Bianconi Mortuary Chapel, Boherlahan, Cashel, Co. Tipperary

The development details listed in the application are as follows;

- A - Repairs and stabilisation of the Benzoni carved monument on the south wall internally**
- B - Removal of modern dry lining from the full height of the south wall internally**
- C - Localised opening up of modern lining to check condition and inform the Conservation Plan.**

The application is accompanied by the following

- Section 5 Application Form,
- Site Location Map
- Method Statement for conservation works,
- Ground floor plan,
- Curriculum Vitae of Stone Mason,
- Schedule of photographs of the interior and exterior of the building

The building is a Protected Structure (TRPS:1056) as contained within the Tipperary County Development Plan 2022-2028.

TRPS1056	Bianconi Mortuary Chapel, Boherlahan, Cashel	Ardmayle East		Tipp/Cahir/Cashel MD
----------	---	---------------	---	----------------------

The Building is also listed on the National Inventory of Architectural Heritage (NIAH) under reference 222050305 with a regional importance rating and as follows;

Description

Detached square-plan single-bay double-height mortuary chapel, erected 1857, with four-stage tower to north-west and with apse to west, altar, end. Pitched slate roof to chapel, hipped slate roof to tower, spired slate roof to apse. Cut sandstone copings and eaves course, and carved sandstone cross finial to chapel, cast-iron rainwater goods and cast-iron cross finial to tower. Snecked dressed limestone walls with cut sandstone quoins and cut sandstone string courses, carved limestone date plaque with cut sandstone surrounds to openings. Round-headed window openings with leaded glazing to first floor front and apse of chapel, tripled and having carved sandstone impost and keystones to front elevation. Round-headed single- and two-light windows to tower, with louvred timber fittings. Square-headed window opening to lower level of chapel with timber casement window. Round-headed door openings to chapel and tower having timber battened doors. Interior has ornate cast-iron gallery to north side, with opening to tower, above sculpted marble Celtic cross set into wall, and with sculpted marble memorial bas-relief to south wall. Cut limestone wall with sandstone coping to site boundary, render stations of the cross to south boundary, steel gates to entrance.

Appraisal

Commissioned and designed by Charles Bianconi on the death of his daughter, the Italianate style of this memorial chapel is appropriate to his nationality. The triple window is like that on the Market House in Cashel. The chapel's form is simple yet architecturally effective, enhanced and emphasised by the sandstone quoins and string courses. Artistic interest is added by the bas-reliefs to the interior, carved in Italy by Benzoni. It forms an interesting group with the outdoor stations of the cross in its grounds, and the church and grotto to the north.



Figure 1 Google Street View 2019

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

Planning and Development Act 2000, as amended

The Planning and Development Act 2000, as amended (hereafter referred to as the Act), states as follows:-

Interpretation.

Section 2(1) includes the following definitions:-

*In this Act, except where the context otherwise requires—
“development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”*

“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.

“alteration” includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

Section 3(1)

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of 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)(h) states as follows:-

*(4)(1)(h) 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) (a) states as follows:-

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

Section 4 (4) states as follows:-

4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 57 states as follows:-

Works affecting character of protected structures or proposed protected structures

57. (1) Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Planning and Development Regulations 2001, as amended

I have reviewed the Planning and Development Regulations 2001, as amended, and I note no stated exemptions which refer to the subject works.

3. ASSESSMENT

a. *Site Location*

The site comprises of a detached square-plan single-bay double-height mortuary chapel settlement of Boherlahan. The site is located adjacent to the existing church grounds and cemetery.

b. *Relevant Planning History*

None relevant.

c. *Precedent cases*

I note no comparable cases from An Bord Pleanála.

d. *Assessment*

The question posed under the Section 5 Declaration application is whether the following works to Bianconi Chapel (Protected Structure);

- A - Repairs and stabilisation of the Benzoni carved monument on the south wall internally,
- B - Removal of modern dry lining from the full height of the south wall internally,
- C - Localised opening up of modern lining to check condition and inform the Conservation Plan

is development and is exempted development.

i) "Is or is not Development"

It is considered that the above listed proposal constitutes "works" as understood by the Planning and Development Act 2000, as amended. The above listed proposal therefore constitutes "development" within the meaning of the Planning and Development Act 2000, as amended.

ii) "Is or is not Exempted Development"

There is no specific class of exemption under Part 1, 2 or 3 of the Schedule 2 of the Planning and Development Regulations 2001, as amended, relating to this type of works.

The most relevant section in this case is Section 4(1)h of the Act. I consider that the repairs and stabilisation of the Benzoni carved monument, Removal of modern dry lining and Localised opening up of modern lining to check condition is for the maintenance or improvement of the structure.

- A - Repairs and stabilisation of the Benzoni carved monument on the south wall internally,
- B - Removal of modern dry lining from the full height of the south wall internally,
- C - Localised opening up of modern lining to check condition and inform the Conservation Plan

Therefore, I am satisfied that the listed works with an objective to improve the historic fabric of the structure can avail of an exemption under Section 4(1)(h). I note no other exemption that the proposal can avail of.

Restriction on any exemption by virtue of Protected Structure

The proposal was assessed by the Architectural Conservation Officer (Mr, Eamonn Hunter) on 07/11/2024 and it was advised that any available exemption would not be limited by Section 57(1) of the Act, as the said works would not materially affect the character of the Protected Structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

It is stated that the works have been specified in accordance with conservation best practice, propose oversight by a suitably experienced conservation architect with an acceptable, specialist contractor. The ACO has further advised that works constitute appropriate repairs of significant historic fabric and well-considered removal of extraneous, modern material that is detrimental to the integrity and character of the protected structure.

The ACO has met with the applicants on site and discussed the approach to undertaking emergency repairs to the marble carving on the interior of the mausoleum's southern wall as well as removal of modern plasterboard and studwork from the same interior wall surface and exploratory works to determine the nature of and any repair issues required on walls elsewhere on the building interior.

iii) Restrictions under Article 9
Not relevant.

iv) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)
Section 4(4) of the Act sets out that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

AA

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

EIA

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether

- A - Repairs and stabilisation of the Benzoni carved monument on the south wall internally,
- B - Removal of modern dry lining from the full height of the south wall internally,
- C - Localised opening up of modern lining to check condition and inform the Conservation Plan

At Bianconi Mortuary Chapel, Boherlahan, Cashel, Co. Tipperary is development and is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to

—

- (a) Sections 2, 3, 4, 57 of the Planning and Development Act, 2000, as amended
- (b) The contents of the Section 5 Application and the Methods Statement

AND WHEREAS Tipperary County Council has concluded that the proposal as presented constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended and is “exempted development”. The development is exempted development as same satisfies the exemptions available under Section 4(1)h of the Planning and Development Act 2000, as amended, and is not restricted by virtue of Section 57 of the same Act.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2) (a) of the 2000 Act, as amended, hereby decides that the above proposal is development and is “**exempted development**”.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required.

District Planner:



Date: 07/11/2024

Senior Executive Planner:



Date: 07.11.2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5/24/118
(b) Brief description of the project or plan:	A - Repairs and stabilisation of the Benzoni carved monument on the south wall internally, B - Removal of modern dry lining from the full height of the south wall internally, C - Localised opening up of modern lining to check condition and inform the Conservation Plan.
(c) Brief description of site characteristics:	Existing building in settlement
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No potential impacts.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or 	No potential impacts.

sediment <ul style="list-style-type: none"> • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	
In-combination/Other	No potential impacts.

(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts.
--	-----------------------

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

The proposed development is not likely to have significant effects .Works relate to the building only.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

EIA Pre-Screening
Establishing a development is a 'sub-threshold development'

File Reference: S5/24/118

Development Summary:

A - Repairs and stabilisation of the Benzoni carved monument on the south wall internally,
 B - Removal of modern dry lining from the full height of the south wall internally,
 C - Localised opening up of modern lining to check condition and inform the Conservation Plan.

Was a Screening Determination carried out under Section 176A-C?

Yes, no further action required

No, Proceed to **Part A**

A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?
 (Tick as appropriate)

<input type="checkbox"/> Yes, specify class _____	EIA is mandatory
	No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B

B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?
 (Tick as appropriate)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory
	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C

C. If Yes, has Schedule 7A information/screening report been submitted?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 7th November, 2024

Our Ref: S5/24/118

Civic Offices, Nenagh

Friends of Bianconi Society
C/O Karol O'Mahoney Architects
Third Floor
121 Capel Street
Dublin 1
Co. Dublin

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 15th October, 2024, in relation to the following proposed works:

- a) Repairs and stabilisation of the Benzoni carved monument on the south wall internally,**
- b) Removal of modern dry lining from the full height of the south wall internally,**
- c) Localised opening up of modern lining to check condition and inform the Conservation Plan.**

at Bianconi Mortuary Chapel, Boherlahan, Cashel, Co. Tipperary

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3, 4, 57 of the Planning and Development Act, 2000, as amended
- (b) The contents of the Section 5 Application and the Methods Statement

AND WHEREAS Tipperary County Council has concluded that the proposal as presented constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended and is “exempted development”. The development is exempted development as same satisfies the exemptions available under Section 4(1)h of the Planning and Development Act 2000, as amended, and is not restricted by virtue of Section 57 of the same Act.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2) (a) of the 2000 Act, as amended, hereby decides that the above proposal is development and is “**exempted development**”.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours faithfully,

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/118** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Friends of Bianconi Society, C/O Karol O'Mahoney Architects, Third Floor, 121 Capel Street, Dublin 1, Co. Dublin, re: A). Repairs and Stabilisation of the Benzoni carved monument on the south wall internally, B). Removal of modern dry lining from the full height of the south wall internally, C). Localised opening up of modern lining to check condition and inform the Conservation Plan.at Bianconi Mortuary Chapel, Boherlahan, Cashel, Co. Tipperary is development and is exempted development.

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3, 4, 57 of the Planning and Development Act, 2000, as amended
- b) The contents of the Section 5 Application and the Methods Statement

AND WHEREAS Tipperary County Council has concluded that the proposal as presented constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended and is "exempted development". The development is exempted development as same satisfies the exemptions available under Section 4(1)h of the Planning and Development Act 2000, as amended, and is not restricted by virtue of Section 57 of the same Act.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2) (a) of the 2000 Act, as amended, hereby decides that the above proposal is development and is "**exempted development**".

Signed:  _____

Date: 07/11/2024

Sharon Kennedy
Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District