

## I. 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.)

I wish to erect a black granite memorial plaque (*Refer to Photo's 1 – Photos 3*) on the front face (*i.e. the Right Hand Side (R.H.S.) of the main door and water font*) **See Map and Photos in Fig. 1 – Fig. 3 of this document**) of the Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary to the memories of Sr. Mary Anne Ignatius O' Brien, Canon James Howard and Fr. Edmond O' Kane for establishing the Sisters of Mercy in Newport, Co. Tipperary on 21<sup>st</sup> June 1901. The proposed plaque will consist of the following design, layout and content:

**(a) Type:**

Black Granite plaque (*see attached photos*)

**(b) Dimensions:**

**Black Granite Plaque:** Length: 60.96cm (24 inches); Width: 60.96cm (24 inches); Depth: 5.08cm (2 inches);

The idea for this memorial plaque is based on a local history project which I undertook and researched resulting in an academic article being produced which is now published in the 2024 Tipperary Historical Journal. This project involved: (a) identifying, developing and critiquing the topic, (b) researching the information; (c) locating the various materials i.e. newspaper articles, census information, baptismal / marriage / death records, journal articles etc.; (d) evaluating my sources; (e) making notes and (f) writing up / typing up my article for publication in an academic journal

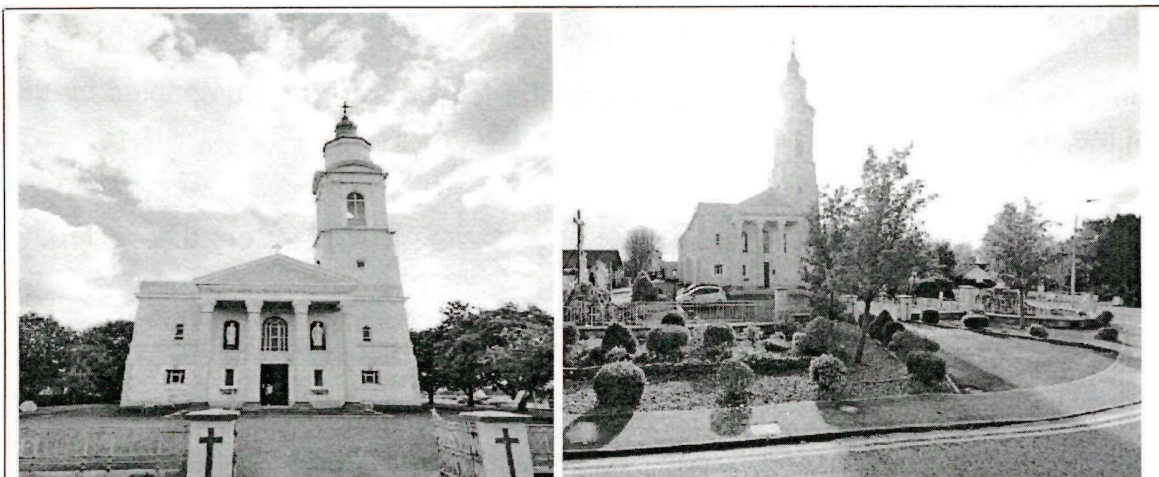
**Site location map:**

- (a) Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary. The monument will be located on the Right Hand Side of the main door and water font of this Church (*identified with a **black circle** at the top left hand corner of Newport Church*) (**See Map and Photos in Fig. 1 – Fig. 3**)



**Fig. 1:** Map showing the location of the Church of the Most Holy Redeemer, Newport, Co. Tipperary with a black circle (*on the Right Hand Side to the main door and water font of the Church of the Most Holy Redeemer*) identifying proposed location for erection of memorial plaque





**Fig. 2 – Fig. 3:** Photos of the Church of the Most Holy Redeemer Newport, Co. Tipperary

Proposed floor area of proposed works/uses: N/A

**i. Legal Interest of Applicant in the Land or Structure:**

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Occupier
	C. Other: <b>Yes</b>	
Where legal interest is 'Other', please expand further on your interest in the land or structure	Local history research interest <b>only</b> for the primary purpose of having a memorial plaque dedicating the memories of Sr. Mary Anne Ignatius O' Brien, Fr. Edmond O' Kane and Canon James Howard for establishing the Sisters of Mercy in Newport, Co. Tipperary.	
If you are not the legal owner, please state the name and address of the owner	Name: Fr. John O' Keeffe, P.P. Newport – Birdhill – Toor Parish on behalf of the Cashel and Emly Diocesan Trust Ltd. of Archbishops House, Cathedral St., Thurles, Co. Tipperary	

Signature of Applicant(s) *John Phayer*

Date: *30/12/2024*

**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 0761 06 5000**

**E-Mail [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

**FOR OFFICE USE ONLY**

**DATE STAMP**

**Fee Recd. €** 80.00

**Receipt No** 125539

**Date** 31/12/2024

**Receipted by** \_\_\_\_\_



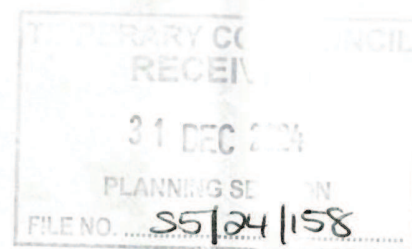
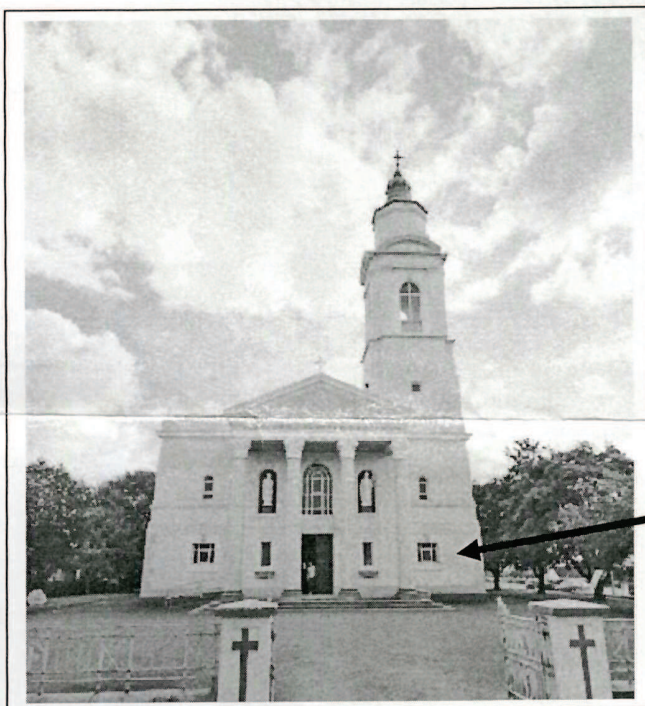
**Item 1: O.S.I. Site Location Map of Proposed Memorial Plaque on the front facing wall of the Church of the Most Holy Redeemer Newport**



**Item 2: Floor Plans and Elevations at a scale of not less than 1:200**

N/A

**Item 3: Site Layout Plan indicating position of proposed development relative to premises and adjoining properties**



This is the **exact** location where the plaque will be erected on the front face next to the main door and water font of the Church of the Most Holy Redeemer, Newport

**Item 4: Other details e.g. brochures, photographs, if appropriate:**

See attached photos of this memorial plaque enclosed in this document





Photo ①:  
Black Granite slab → Front View

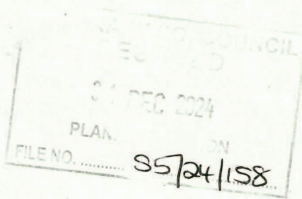






Photo (2):

Black Granite slab → Rear View

The colour of this slab is actually black but appears white. This is due to a layer of dust appearing on this side and also when the photo was taken, the sun was shining brightly on this side.

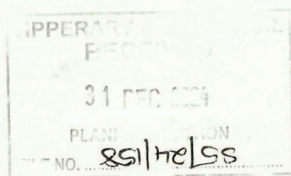






Photo ③:  
Black Granite slab → Side View

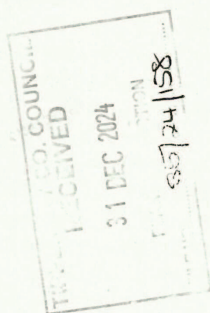








Photo (3):

Black Granite slab → Side View









Photo (1):

Black Granite slab → Front View

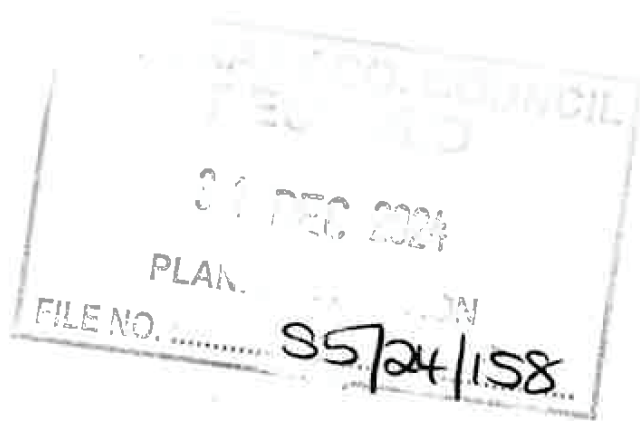








Photo ②:-

Black Granite

slab →

Rear View  
The colour of this slab is actually black but appears white. This is due to a layer of dust appearing on this side and also when the photo was taken, the sun was shining brightly on this side.

APPROVAL
31 DEC 2024
PLANNING SECTION
NO. 851176/SS





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  
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Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 10<sup>th</sup> January, 2025

Our Ref: S5/24/158

Civic Offices, Nenagh

**John Phayer,  
Garden Hill,  
Castleconnell,  
Co. Limerick.**

**Re: Application for a Section 5 Declaration – erection of a black granite memorial plaque at the Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary.**

Dear Mr. Phayer,

I acknowledge receipt of your application for a Section 5 Declaration received on 31<sup>st</sup> December, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely

for **Director of Services**



## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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**Planning Reference:** S5/24/158

**Applicant:** John Phayer

**Development Address:** Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary.

**Proposed Development:** Erect a memorial plaque on Church Wall

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#### **1. GENERAL**

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by as to whether or not the following constitutes development and if so, whether same constitutes exempted development:

Erect a black granite memorial plaque (60.96cm x 60.96 cm x 5.08 cm) on the front face of the Church of the Most Holy Redeemer.

The application is accompanied by:

- Section 5 Declaration Application Form,
- 3 x photographs

The Church of the Most Holy Redeemer is a Protected Structure (Ref S485).

#### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

##### **Planning and Development Act 2000, as amended**

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

*“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) of the Planning and Development Act 2000, as amended, defined “development” as follows:-

*“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) of the Planning and Development Act, 2000, as amended states:

4. (1) *The following shall be exempted developments for the purposes of this Act—*
- (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 57 (1) states that;

*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.*

Section 4 (2) (a) of the Planning and Development Act 2000, as amended, 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) of the Planning and Development Act 2000, as amended, 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.*

The Planning and Development Act 2000, as amended provides the following definitions:

“advertisement” means any word, letter, model, balloon, inflatable structure, kite, poster, notice, device or representation employed for the purpose of advertisement, announcement or direction;

“advertisement structure” means any structure which is a hoarding, scaffold, framework, pole, standard, device or sign (whether illuminated or not) and which is used or intended for use for exhibiting advertisements or any attachment to a building or structure used for advertising purposes;

### **Planning and Development Regulations 2001 (as amended)**

Class 6, Schedule 2, Part 2 of the Planning and Development Regulations 2001, as amended provides an exemption for:

Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, any guesthouse or other premises (other than a hotel) providing overnight guest accommodation or any public house, block of flats, club, boarding house or hostel, situated on the land on which any such advertisement is exhibited

Conditions/limitations:

1. No such advertisement shall exceed 0.6 square metres in area.



2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.

3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises

Class 7, Schedule 2, Part2 of the Planning and Development Regulations 201, as amended provides an exemption for:

Advertisements exhibited on land wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure (not being land which is a public park, public garden or other land held for the use and enjoyment of the public, or a part of a railway undertaking's enclosed land normally used for the carriage of passengers or goods by rail) and not readily visible from land outside the enclosure wherein it is exhibited.

### **3. ASSESSMENT**

#### **a. Site Location**

The site comprises the Church of the Most Holy Redeemer, Church Road, Newport.

#### **b. Relevant Planning History**

04511703 – Planning permission granted for a change of use of site from basketball court to car park and to widen entrance to same

#### **c. Assessment**

The question posed under the declaration is whether the following constitutes development and exempted development:

Erect a black granite memorial plaque (60.96cm x 60.96 cm x 5.08 cm) on the front face of the Church

It is considered that the plaque can reasonably fall within the definition of an advertisement and advertisement structure as set down under the Planning and Development Act 2000, as amended.

However, on the basis of the information that has been provided, it is not possible to make an assessment of the proposal.

In particular, elevations have not been submitted and the height of the advertisement or advertisement structure above ground level cannot be established. Further information is required in relation to this matter.

### **C) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**

#### **Appropriate Assessment**

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. The screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment screening report attached as Appendix 1.

#### **Environmental Impact Assessment**

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See attached.

### **3. RECOMMENDATION**

A question has arisen as to whether the following proposed development at the Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary is or is not exempted development:



Erect a black granite memorial plaque (60.96cm x 60.96 cm x 5.08 cm) on the front face of the Church

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The application documents are unclear in relation to the proposal as plans have not been provided for consideration. The applicant is required to submit:
  - a) Existing elevations of the building;
  - b) Proposed elevations of the building.

The applicant's attention is drawn to the Conditions/limitations of Class 6, Schedule 2, Part 2 of the Planning and Development Regulations 2001, as amended, as follows:

1. No such advertisement shall exceed 0.6 square metres in area.
2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.
3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises

**District Planner:**

*Olive O'Donnell*

**Date: 23/01/2025**

**A/Senior Executive Planner:**

*Jonathan Flood*

**Date: 27/01/2025**

## TATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/158
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(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 <sup>1</sup>	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Silvermines Mt SAC	<a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	Within 15km	None	No
Keeper Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 10km	None	No
Bolingbrook Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	Within 15km	None	No
Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 500m	None	No
Glenomra Wood SAC	<a href="https://www.npws.ie/protected-sites/sac/001013">https://www.npws.ie/protected-sites/sac/001013</a>	Within 15km	None	No
Lough Derg SPA	<a href="https://www.npws.ie/protected-sites/004058">https://www.npws.ie/protected-sites/004058</a>	Within 15km	None	No
Slievefelim to Silvermines Mt SPA	<a href="https://www.npws.ie/protected-sites/004165">https://www.npws.ie/protected-sites/004165</a>	Within 10km	None	No
Clare Glen SAC	<a href="https://www.npws.ie/protected-sites/000930">https://www.npws.ie/protected-sites/000930</a>	Within 10km	None	No
Glenstal Wood SAC	<a href="https://www.npws.ie/protected-sites/001432">https://www.npws.ie/protected-sites/001432</a>	Within 10km	None	No
Silvermines Mt West SAC	<a href="https://www.npws.ie/protected-sites/002258">https://www.npws.ie/protected-sites/002258</a>	Within 10km	None	No
Slieve Bernagh Bog SAC	<a href="https://www.npws.ie/protected-sites/002312">https://www.npws.ie/protected-sites/002312</a>	Within 15km	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:**

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential for impacts
Operational phase e.g. <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	No potential for impacts
In-combination/Other	None.

**(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"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential for impacts
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**(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.

**Conclusion:**

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Olive O'Donnell	<b>Date:</b> 23/01/2025



**EIA Preliminary Examination:**

The planning authority shall carry out a preliminary examination of, at the **least, the nature, size or location of the development.**

	Comment:	Yes/No/ Uncertain:
<b>Nature of the development:</b> <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i>  <i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		No
<b>Size of the development:</b> <i>Is the size of the proposed development exceptional in the context of the existing environment?</i>  <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i>		No
<b>Location:</b> <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i>  <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		No

**Preliminary Examination Conclusion:**

Based on a preliminary examination of the **nature, size or location** of the development. (Tick as appropriate)

x	<input type="checkbox"/>	<input type="checkbox"/>
There is <b>no real likelihood</b> of significant effects on the environment.  EIA is not required.	There is <b>real likelihood of</b> significant effects on the environment.  An <b>EIAR is required.</b>	There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment.  Request the applicant to submit the <b>Information specified in Schedule 7A</b> for the purposes of a screening determination.  Proceed to Screening Determination.

**Signature and Date of  
Recommending Officer:**

Olive O'Donnell

**Date:**

23/01/2025



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie

[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 27<sup>th</sup> January, 2025

Our Ref: S5/24/158

Civic Offices, Nenagh

**John Phayer  
Garden Hill  
Castleconnell  
Co. Limerick**

**Re: Application for a Section 5 Declaration – Erect a memorial plaque  
on Church Wall at Church of the Most Holy Redeemer, Church Road,  
Newport, Co. Tipperary**

Dear Mr Phayer,

I refer to an application received from you on 31<sup>st</sup> December, 2024 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. The application documents are unclear in relation to the proposal as plans have not been provided for consideration. The applicant is required to submit:

- a) Existing elevations of the building;
- b) Proposed elevations of the building.

The applicant's attention is drawn to the Conditions/limitations of Class 6, Schedule 2, Part 2 of the Planning and Development Regulations 2001, as amended, as follows:

1. No such advertisement shall exceed 0.6 square metres in area.




2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.

3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises

**Further consideration of your request for a declaration cannot be considered until the above information is received.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Thiel', is written over a horizontal line.

for **Director of Services**



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

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Co. Tipperary  
E45 A099

t 0818 06 5000/600  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 8<sup>th</sup> April, 2025

Our Ref: S5/24/158

Civic Offices, Nenagh

**John Phayer  
Garden Hill  
Castleconnell  
Co. Limerick**

**Re: Application for a Section 5 Declaration re Erect a memorial plaque  
on Church Wall at Church of the Most Holy Redeemer, Church Road,  
Newport, Co. Tipperary**

Dear Mr Phayer,

I acknowledge receipt of Further Information received on 4<sup>th</sup> April, 2025 in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

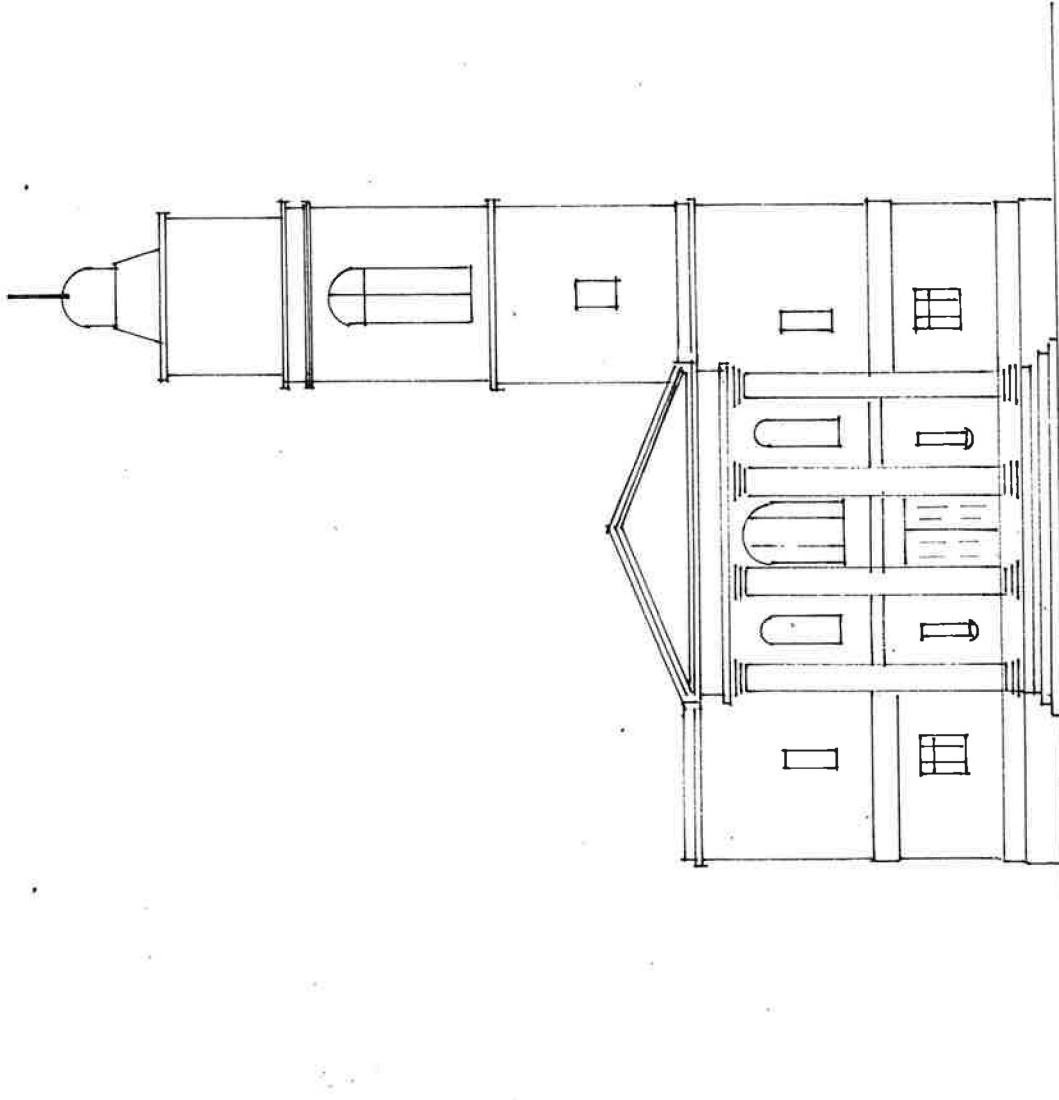
Yours sincerely

  
for **Director of Services**

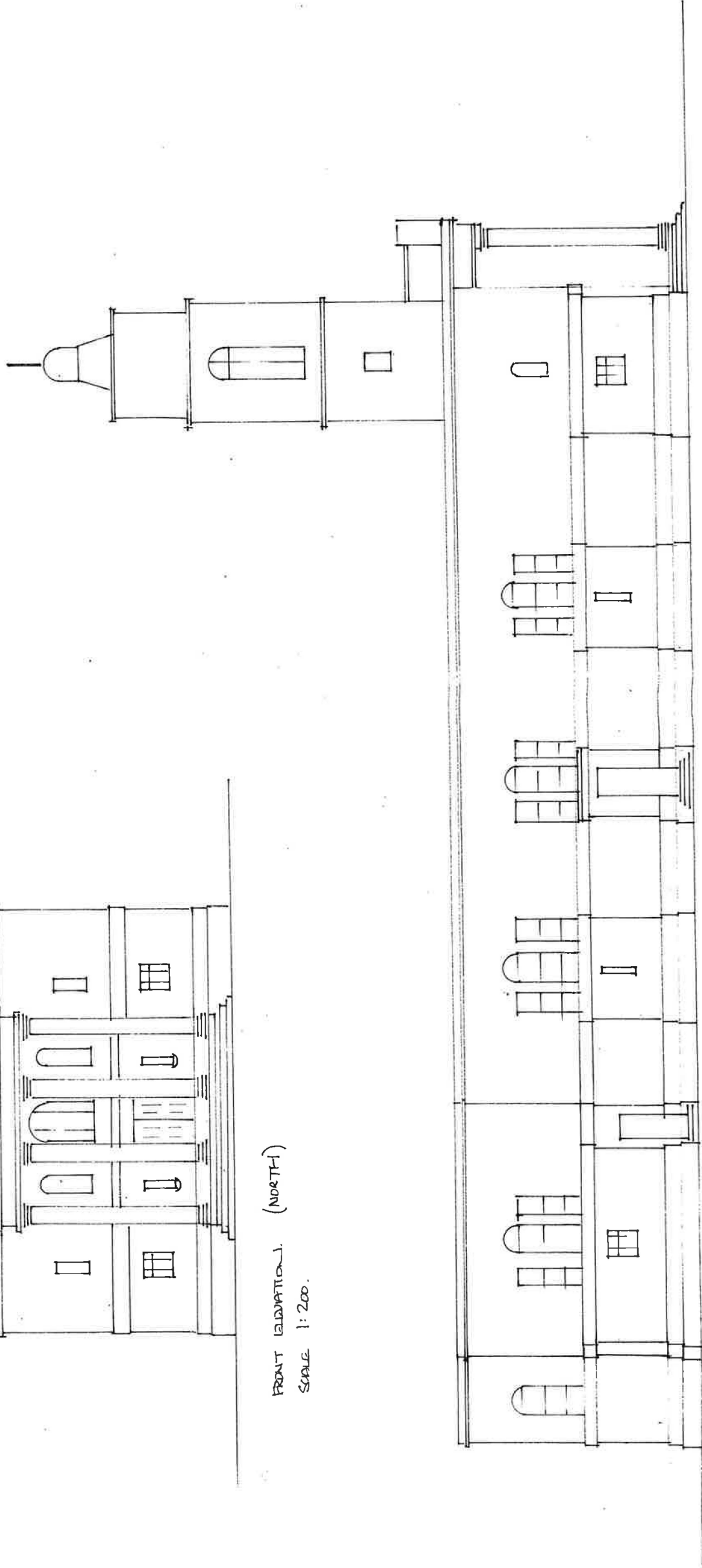


THE CHURCH OF THE MOST HOLY REDEMPTION  
 NEWPORT, CO. TIPPERARY.  
 3<sup>rd</sup>. APRIL 2025.

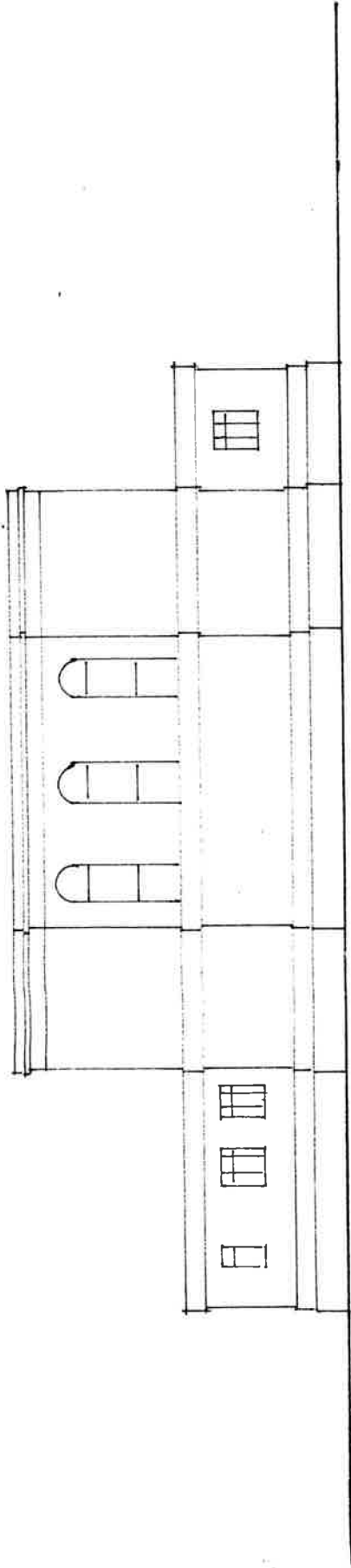
RECEIVED  
 - 4 APR 2025  
 PLANNING SECTION  
 FILE NO. 5524/158



FRONT ELEVATION. (NORTH)  
 SCALE 1:200.

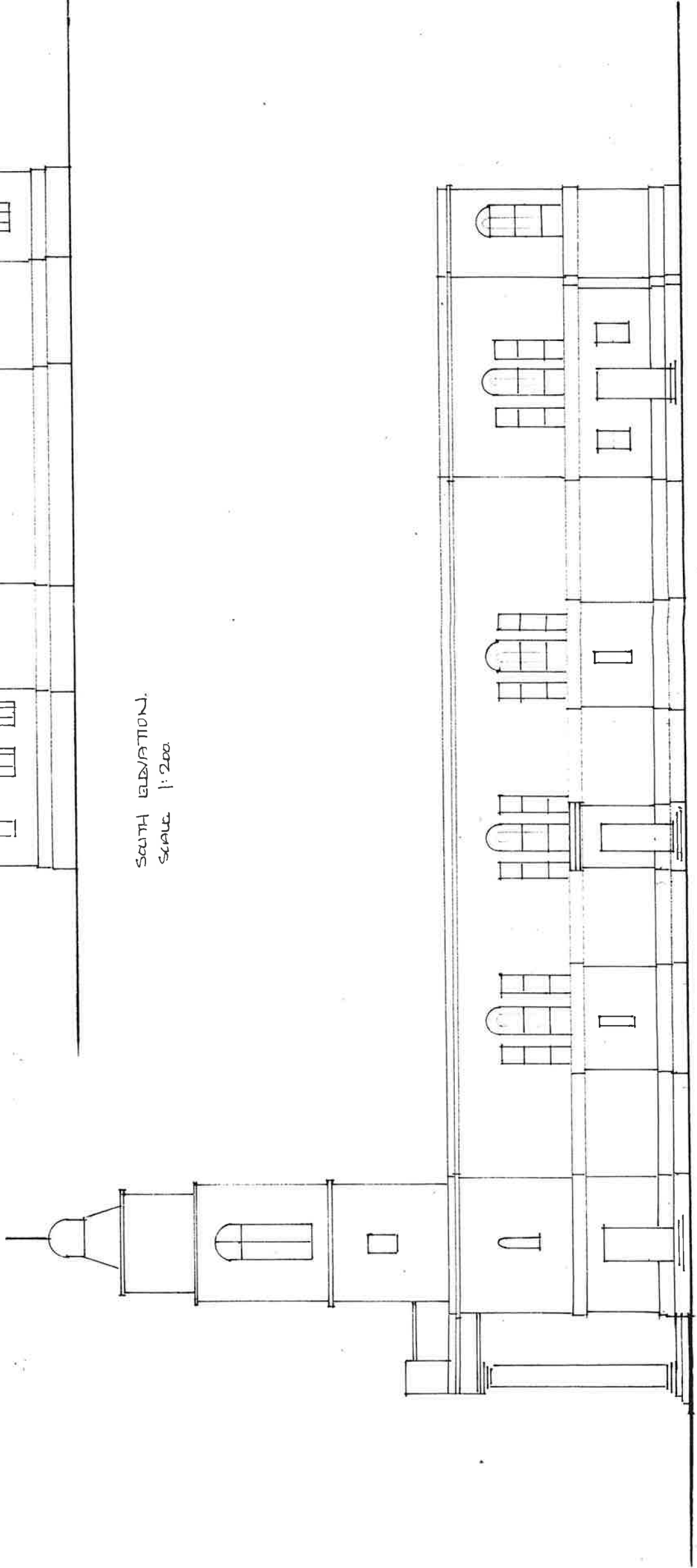


SIDE ELEVATION (EAST.)  
 SCALE 1:200.



SOUTH ELEVATION.  
Scale 1:200

IMPERIAL COLLEGE  
RECEIVED  
- 4 APR 2025  
PLANNING SECTION  
FILE NO. 55/24/158



WEST ELEVATION.  
Scale 1:200



## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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**Planning Reference:** S5/24/158

**Applicant:** John Phayer

**Development Address:** Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary.

**Proposed Development:** Erect a memorial plaque on Church Wall

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#### **1. GENERAL**

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by as to whether or not the following constitutes development and if so, whether same constitutes exempted development:

Erect a black granite memorial plaque (60.96cm x 60.96 cm x 5.08 cm) on the front face of the Church of the Most Holy Redeemer.

The application is accompanied by:

- Section 5 Declaration Application Form,
- 3 x photographs

The Church of the Most Holy Redeemer is a Protected Structure (Ref S485).

#### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

##### **Planning and Development Act 2000, as amended**

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

*“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) of the Planning and Development Act 2000, as amended, defined “development” as follows:-

*“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) of the Planning and Development Act, 2000, as amended states:

4. (1) *The following shall be exempted developments for the purposes of this Act—*
- (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 57 (1) states that;

*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.*

Section 4 (2) (a) of the Planning and Development Act 2000, as amended, 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) of the Planning and Development Act 2000, as amended, 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.*

The Planning and Development Act 2000, as amended provides the following definitions:

“advertisement” means any word, letter, model, balloon, inflatable structure, kite, poster, notice, device or representation employed for the purpose of advertisement, announcement or direction;

“advertisement structure” means any structure which is a hoarding, scaffold, framework, pole, standard, device or sign (whether illuminated or not) and which is used or intended for use for exhibiting advertisements or any attachment to a building or structure used for advertising purposes;

### **Planning and Development Regulations 2001 (as amended)**

Class 6, Schedule 2, Part 2 of the Planning and Development Regulations 2001, as amended provides an exemption for:

Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, any guesthouse or other premises (other than a hotel) providing overnight guest accommodation or any public house, block of flats, club, boarding house or hostel, situated on the land on which any such advertisement is exhibited

Conditions/limitations:

1. No such advertisement shall exceed 0.6 square metres in area.



2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.

3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises

Class 7, Schedule 2, Part 2 of the Planning and Development Regulations 201, as amended provides an exemption for:

Advertisements exhibited on land wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure (not being land which is a public park, public garden or other land held for the use and enjoyment of the public, or a part of a railway undertaking's enclosed land normally used for the carriage of passengers or goods by rail) and not readily visible from land outside the enclosure wherein it is exhibited.

### **3. ASSESSMENT**

**a. *Site Location***

The site comprises the Church of the Most Holy Redeemer, Church Road, Newport.

**b. *Relevant Planning History***

04511703 – Planning permission granted for a change of use of site from basketball court to car park and to widen entrance to same

**c. *Assessment***

The question posed under the declaration is whether the following constitutes development and exempted development:

Erect a black granite memorial plaque (60.96cm x 60.96 cm x 5.08 cm) on the front face of the Church

It is considered that the plaque can reasonably fall within the definition of an advertisement and advertisement structure as set down under the Planning and Development Act 2000, as amended.

However, on the basis of the information that has been provided, it is not possible to make an assessment of the proposal.

In particular, elevations have not been submitted and the height of the advertisement or advertisement structure above ground level cannot be established. Further information is required in relation to this matter.

### **C) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**

#### **Appropriate Assessment**

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. The screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment screening report attached as Appendix 1.

#### **Environmental Impact Assessment**

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See attached.

### **3. RECOMMENDATION**

A question has arisen as to whether the following proposed development at the Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary is or is not exempted development:

Erect a black granite memorial plaque (60.96cm x 60.96 cm x 5.08 cm) on the front face of the Church

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

‘A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information’.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The application documents are unclear in relation to the proposal as plans have not been provided for consideration. The applicant is required to submit:
  - a) Existing elevations of the building;
  - b) Proposed elevations of the building.

The applicant’s attention is drawn to the Conditions/limitations of Class 6, Schedule 2, Part 2 of the Planning and Development Regulations 2001, as amended, as follows:

1. No such advertisement shall exceed 0.6 square metres in area.
2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.
3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises

**District Planner:**

*Olive O'Donnell*

**Date: 23/01/2025**

**A/Senior Executive Planner:**

*Jonathan Flood*

**Date: 27/01/2025**



## **5. FURTHER INFORMATION**

One point of further information was requested from the applicant in a letter dated 27/01/2025. The FI request is outlined below in italics with assessment under same in bold.

*1. The application documents are unclear in relation to the proposal as plans have not been provided for consideration. The applicant is required to submit:*

- c) Existing elevations of the building;*
- d) Proposed elevations of the building.*

*The applicant's attention is drawn to the Conditions/limitations of Class 6, Schedule 2, Part 2 of the Planning and Development Regulations 2001, as amended, as follows:*

- 1. No such advertisement shall exceed 0.6 square metres in area.*
- 2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.*
- 3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises*

**The applicant has submitted elevations showing the proposed location of the memorial plaque on the front elevation of the Church.**

### **Assessment of Further Information**

#### **A) *"Is or is not Development"***

**It is considered that the proposed memorial plaque on the front elevation of the Church constitutes works and development as provided for under Sections 2 and 3 of the Act.**

#### **B) *"Is or is not Exempted Development"***

**It is considered that the proposal complies with the Conditions/limitations of Class 6, Schedule 2, Part 2 of the Planning and Development Regulations 2001, as amended.**

#### **C) Restrictions under Article 9**

**Article 9(1) of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions provided under Article 6 of said Regulations. The restrictions below are of relevance.**

***Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—***

***(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or***

local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

It is considered that the proposal would not interfere with the special interest, character or setting of the Protected Structure ref. TRPS485 (Church of the Most Holy Redeemer, Newport).

## 6. SCREENING

### Appropriate Assessment

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. The screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment screening report attached as Appendix 1.

### Environmental Impact Assessment

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See attached.

## 7. RECOMMENDATION

**WHEREAS** a question has arisen as to whether the erection of a memorial plaque on the wall at the Church of the Most Holy Redeemer, Church Road, Newport, 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 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

**AND WHEREAS** Tipperary County Council has concluded that –

the erection of a memorial plaque on the wall at the Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary,

is development and is exempted development. The proposals meets the exempted development provisions as set out under Class 6 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001.

**District Planner:**

*Olive O'Donnell*

**Date:** 24/04/2025

**Senior Executive Planner:**

*Jonathan Flood*

**Date:** 24/4/2025

TATS DIRECTIVE APPROPERiate ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:		S5/24/158		
(b) Brief description of the project or plan:		As per planners report		
(c) Brief description of site characteristics:		As per planners report		
(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 <sup>1</sup>	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Silvermines Mt SAC	<a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	Within 15km	None	No
Keeper Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 10km	None	No
Bolingbrook Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	Within 15km	None	No
Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 500m	None	No
Glenomra Wood SAC	<a href="https://www.npws.ie/protected-sites/sac/001013">https://www.npws.ie/protected-sites/sac/001013</a>	Within 15km	None	No
Lough Derg SPA	<a href="https://www.npws.ie/protected-sites/004058">https://www.npws.ie/protected-sites/004058</a>	Within 15km	None	No
Slievefelim to Silvermines Mt SPA	<a href="https://www.npws.ie/protected-sites/004165">https://www.npws.ie/protected-sites/004165</a>	Within 10km	None	No
Clare Glen SAC	<a href="https://www.npws.ie/protected-sites/000930">https://www.npws.ie/protected-sites/000930</a>	Within 10km	None	No
Glenstal Wood SAC	<a href="https://www.npws.ie/protected-sites/001432">https://www.npws.ie/protected-sites/001432</a>	Within 10km	None	No
Silvermines Mt West SAC	<a href="https://www.npws.ie/protected-sites/002258">https://www.npws.ie/protected-sites/002258</a>	Within 10km	None	No
Slieve Bernagh Bog SAC	<a href="https://www.npws.ie/protected-sites/002312">https://www.npws.ie/protected-sites/002312</a>	Within 15km	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"><li>• Vegetation clearance</li><li>• Demolition</li><li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li><li>• Dust, noise, vibration</li><li>• Lighting disturbance</li><li>• Impact on groundwater/dewatering</li><li>• Storage of excavated/construction materials</li><li>• Access to site</li><li>• Pests</li></ul>	No potential for impacts
Operational phase e.g. <ul style="list-style-type: none"><li>• Direct emission to air and water</li><li>• Surface water runoff containing contaminant or sediment</li><li>• Lighting disturbance</li><li>• Noise/vibration</li><li>• Changes to water/groundwater due to drainage or abstraction</li><li>• Presence of people, vehicles and activities</li><li>• Physical presence of structures (e.g. collision risks)</li><li>• Potential for accidents or incidents</li></ul>	No potential for impacts
In-combination/Other	None.
(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"><li>• Reduction or fragmentation of habitat area</li><li>• Disturbance to QI species</li><li>• Habitat or species fragmentation</li><li>• Reduction or fragmentation in species density</li><li>• Changes in key indicators of conservation status value (water or air quality etc.)</li><li>• Changes to areas of sensitivity or threats to QI</li><li>• Interference with the key relationships that define the structure or ecological function of the site</li></ul>	No potential for impacts
(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.

Conclusion:

	Tick as Appropriate:	Recommendation:	
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
Signature and Date of Recommending Officer:	Olive O'Donnell	Date:	23/01/2025

<b>EIA Preliminary Examination:</b> The planning authority shall carry out a preliminary examination of, at the <b>least, the nature, size or location of the development.</b>			
	<b>Comment:</b>	<b>Yes/No/ Uncertain:</b>	
<b>Nature of the development:</b> <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i>  <i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		<b>No</b>	
<b>Size of the development:</b> <i>Is the size of the proposed development exceptional in the context of the existing environment?</i>  <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i>		<b>No</b>	
<b>Location:</b> <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i>  <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		<b>No</b>	
<b>Preliminary Examination Conclusion:</b>			
Based on a preliminary examination of the <b>nature, size or location</b> of the development. (Tick as appropriate)			
<div><div>x</div><div>There is <b>no real likelihood</b> of significant effects on the environment.  EIA is not required.</div></div>	<div><div><input type="checkbox"/></div><div>There is <b>real likelihood of</b> significant effects on the environment.  An <b>EIAR is required.</b></div></div>	<div><div><input type="checkbox"/></div><div>There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment.  Request the applicant to submit the <b>Information specified in Schedule 7A</b> for the purposes of a screening determination.  Proceed to Screening Determination.</div></div>	
<b>Signature and Date of Recommending Officer:</b>		Olive O'Donnell	<b>Date:</b> 23/01/2025





**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/158**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Dave Carroll, A/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. 41983 dated 17<sup>th</sup> April, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from John Phayer, Garden Hill, Castleconnell, Co. Limerick, re: erection of a memorial plaque on the church wall at the Church of the Most Holy Redeemer, Church Road, Newport, 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 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

Tipperary County Council has concluded that the erection of a memorial plaque on the wall at the Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary, is development and is exempted development. The proposals meet the exempted development provisions as set out under Class 6 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001.

**Signed:**  \_\_\_\_\_

**Date: 24/04/2025**

**Dave Carroll**

**A/Director of Services**

**Planning and Development (including Town Centre First),  
Emergency Services and Emergency Planning and  
Tipperary/Cahir/Cashel Municipal District**



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 5000/6000  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 24<sup>th</sup> April, 2025

Our Ref: S5/24/158

Civic Offices, Nenagh

John Phayer,  
Garden Hill,  
Castleconnell,  
Co. Limerick

**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 31<sup>st</sup> December, 2024 and 4<sup>th</sup> April, 2025, in relation to the following proposed works:

**erection of a memorial plaque on the church wall at the Church of the  
Most Holy Redeemer, Church Road, Newport, 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 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

Tipperary County Council has concluded that the erection of a memorial plaque on the wall at the Church of the Most Holy Redeemer, Church Road, Newport, Co. Tipperary, is development and is exempted development. The proposals meets the exempted development provisions as set out under Class 6 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001.



**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 sincerely

*Geraldine Quinn*  
for **Director of Services**