



Declaration

In accordance with Part IV, Section 57 (2) of the Local Government (Planning and Development) Act, 2000 (as amended).

Louth County Council:

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

This Declaration may be referred to An Bord Pleanála for review within 4 weeks of its issue, upon payment of the requisite fee in accordance with Part IV, Section 57 (8) of the Planning & Development Act 2000 as amended.

Applicant Name:	Fr Damian Quigley		
Status (i.e. Owner or Occupier):	Occupier (Church)		
Date of Request for Declaration:	30.10.24	Date of Inspection:	27.11.24
Date of Issue of Declaration:	12.01.24	Previous Declarations:	None on record

Address:		Location:		
Name of Building:	St. Finian's Church	National Grid co-ordinates:	E E702,870.822	N N 789,452.461
Address 1:	Dromin	O.S. Map Type:		
Address 2:		Map Sheet:		
Address 3:	Co. Louth	Site Number:		
Eircode:	A92 W29X			

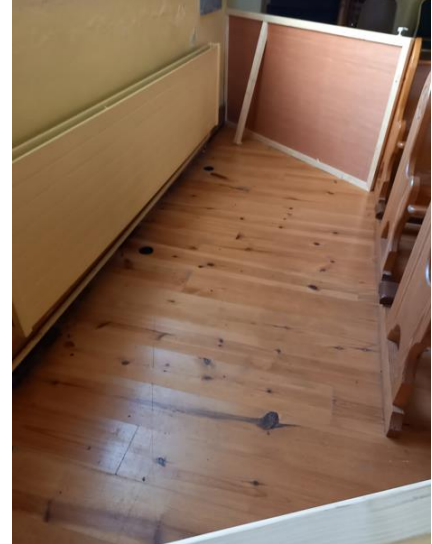
Protection Status: <small>Under the Planning and development Act 2000 (as amended)</small>	Y / N		Details:
Record of Protected Structures:	Y ✓	N	LHS018-049
Architectural Conservation Area:	Y	N ✓	
<small>Under the Planning and development Act 2000 (as amended)</small> Record of Monuments and Places:	Y	N ✓	
Zone of Archaeological potential:	Y	N ✓	
Preservation Order or Temporary P.O.:	Y	N ✓	

NIAH Registration No. (if applicable):

13901832

Introduction:

The referrer has sought a Section 57 declaration as per the Planning and Development Act 2000 (as amended) in respect of internal works being carried out to St Finian's Church, Dromin.

**Protection Status:**

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures is set out in the Louth County Development Plan 2021-2027 (as varied).

The St Finian's Church is identified as a Protected Structure and described in the National Inventory of Architectural Heritage as a:

Freestanding double-height Roman Catholic church, built 1826. T-plan, two-bays to nave, single-bay to transepts; four stage pinnacled stone entrance tower, added 1843, terminating in broach spire, added 1877. Pitched slate roofs, clay ridge tiles, stone verge coping to gables with stone crucifix finials, cast-iron gutters, circular cast-iron downpipes. Painted roughcast-rendered walling, painted smooth rendered plinth and block-and-start quoins, squared-and-snecked limestone walling to tower, tooled limestone block-and-start quoins, string courses to each stage, tooled limestone pinnacled clasping buttresses to east gable. Pointed arch window openings, painted smooth rendered block-and-start surround, smooth rendered panel to plinth, flush chamfered sills, painted timber tracery, leaded lights; triple lancet window to west, stained glass lights. Pointed arch door opening to tower, dressed limestone chamfered surround, painted timber vertically-sheeted double doors, surmounted by stone date plaque "Erected Anno Domini MDCCCLIII in Honour and Glory to God"; pointed arch openings to east elevations of north and south transepts, painted smooth rendered block-and-start surrounds, painted timber vertically-sheeted double doors. Interior with timber sheeted ceiling, painted plaster walling, carved timber pews, timber floor, encaustic tiles to central aisle; balconies to north and south transepts, choir loft to east; decorative carved marble altar to west. Church set back from roadway on slightly elevated site, graveyard to east.

The NIAH appraisal states:

Saint Joseph's is a charming rural Roman Catholic church of simple but pleasing design. The entrance tower makes a dramatic counterpoint to the low, rendered nave and acts as a religious beacon to the local population. The interior retains much of its early appeal, including an unusual fanlight at the narrow porch and attractive panelled galleries. Saint Joseph's forms, together with the grave yard to it's east, an attractive architecturally and socially significant group.

Planning History:

Application 78/464 – Ladies and gents toilets at Dromin, Dunleer

Applicant – Rev J Mulgrew

Permission Granted 21st August 1978

Description of the Structure:

The site comprises of St Finian's Catholic Church with an elevated location within the defined boundaries of Dromin Rural Node (as designated in the Louth County Development Plan 2021-2027, as varied) on its northern side. A graveyard is to the west and east of the site. A number of monuments are located within the church grounds and graveyard.

Monuments:

LH 018-13001 – Motte

LH 018-13002 – Souterrain

LH 018-014003 – graveyard

LH 018-014001 – Church

LH 018-014002 – font



Above: erected on roadside wall of graveyard on the eastern side of the church.

**Referral Question:**

Would works materially affect the character of the protected structure and as a result, require planning permission?

The proposed works entail:

- **Remove all existing floorboards, joists and tassel walls**
- **Install a damp proof membrane on top of the earth subfloor**
- **Pour an insulated concrete floor to a level 75mm below finished floor level**
- **Lay 50mm x 50mm treated battens at 300mm centres on top of the concrete floor**
- **Install timber pine finished floorboards to match the existing boards.**

Legislative Provision:

Section 57(1) of the Planning and Development Act 2000 (as amended) states 'that notwithstanding Sections 4(1)(h) and any regulations made under Section 4(2), the carrying out of works to a protected structure, or 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 (5) states that if the declaration relates to a protected structure that is regularly used as a place of public worship, the Planning Authority

- a) In addition to having regard to the guidelines and recommendations referred to in subsection (4), shall respect liturgical requirements, and
- b) For the purpose of ascertaining those requirements shall –
- c) (i) comply with any guidelines concerning consultation which may be issued by the Minister for Arts, Heritage, Gaeltacht and the Islands, or
(ii) if no such guidelines are issued, consult with such person or body as the Planning Authority considers appropriate.

Section 68 of the Act stipulates that the carrying out of any works specified in a notice under section 59 (1) or 60 (2) shall be exempted development.

Assessment:

The Planning Authority has considered the works to St Finian's Church, Dromin which involve the works outlined above with 'Description of Proposed Works' and in the submitted document by Jim Macken Flooring Contractor. It is considered that the proposal would fall within the definition of 'works' as set out in section 2 of the Planning and Development Act 2000 as amended which 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.

The flooring contractor has included a photographic survey of the floor joists under the existing floorboards of the area involved



The statement advises that the method of remediation set out, the existing finish and look is replicated however, the possibility of future damp and rot is eradicated.

From carrying out a site inspection, the area where there is movement in the timber flooring has been sectioned off from use by worshippers. It also appears that the flooring within the southern and northern ground floor wings of the church (subject area in the southern wing) has a fresher appearance compared with the flooring on the same level around the altar which has a more worn look.



Above: photo of flooring where movement has been detected and flooring around the altar/top of the church area



Any further documentation attached (maps, photographs, sketches, notes etc.)? Y

- Request for Section 57 Declaration

In Summary, when considering the proposed works involving::

- Remove all existing floorboards, joists and tassel walls
- Install a damp proof membrane on top of the earth subfloor
- Pour an insulated concrete floor to a level 75mm below finished floor level
- Lay 50mm x 50mm treated battens at 300mm centres on top of the concrete floor
- Install timber pine finished floorboards to match the existing boards.

I am satisfied, based on the information submitted and having undertaken a site inspection, that whilst the proposal meets the definition of works as defined in Section 2 of the Planning and Development Act 2000 (as amended), that these works involve the maintenance, improvement and alteration of this structure which do not materially affect the external appearance of the structure and do 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.

Recommendation:

I hereby recommend that a Declaration of Exemption be granted for the development described above, for the reason(s) set out hereunder.

WHEREAS the question has arisen as to whether the proposed works would or would not materially affect the character of protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at St Finian's Church, Dromin, A99 W29X

AND WHEREAS Fr Damian Quigley requested a declaration on the question from Louth County Council on the 30th October 2024.

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

- a) Section 2 of the Planning and Development Act 2000, as amended,
- b) Section 3 of the Planning and Development Act 2000, as amended,
- c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- d) Section 57 of the Planning and Development Act, 2000 as amended,
- e) The Architectural Heritage Protection Guidelines for Planning Authorities,
- f) The special interest pertaining to the protected structure in question and
- g) The nature and extent of works set out in the referral question and associated documentation.

AND WHEREAS Louth County Council has concluded that –

- (i) The stated works to the protected structure comprise of "works" as defined in Section 2 of the Planning and Development Act 2000 (as amended);
- (ii) The stated 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,



- (iii) The stated works consist of the carrying out of works for the maintenance, improvement and alteration of this structure 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,
- (iv) The said development, therefore, comes within the scope of section 4(l)(h) and Section 57(l) of the Planning and Development Act 2000 (as amended).

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works above, to St. Finian’s Church, Dromin as detailed by the Request for Section 57 Declaration and submitted information and details, constitutes development that is **exempted** development.

Note:

- The works shall be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts, Heritage and the Gaeltacht (2011).

Signed by Inspector

Signed by Planning Authority Officer

Lisa Grant, Assistant Planner

Turlough King, Senior Executive Planner

Date

Date

06/12/2024

06/12/2024

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 57 Declaration – Works to a Protected Structure

Chief Executive's Order No: 916/2024

Reference No: S57 LHS24-05

Date Application Received: 30th October 2024

Description:

- Remove all existing floorboards, joists and tassel walls
- Install a damp proof membrane on top of the earth subfloor
- Pour an insulated concrete floor to a level 75mm below finished floor level
- Lay 50mm x 50mm treated battens at 300mm centres on top of the concrete floor
- Install timber pine finished floorboards to match the existing boards.

Name of Applicant: Fr. Damian Quigley

Location of Development St. Finian's Church, Dromin, Co. Louth A92 W29X

WHEREAS the question has arisen as to whether the proposed works would or would not materially affect the character of protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at St Finian's Church, Dromin, A99 W29X

AND WHEREAS Fr Damian Quigley requested a declaration on the question from Louth County Council on the 30th October 2024.

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

- a)Section 2 of the Planning and Development Act 2000, as amended,
- b)Section 3 of the Planning and Development Act 2000, as amended,
- c)Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- d)Section 57 of the Planning and Development Act, 2000 as amended,
- e)The Architectural Heritage Protection Guidelines for Planning Authorities,
- f)The special interest pertaining to the protected structure in question and
- g)The nature and extent of works set out in the referral question and associated documentation.

AND WHEREAS Louth County Council has concluded that –

- (i)The stated works to the protected structure comprise of “works” as defined in Section 2 of the Planning and Development Act 2000 (as amended);
- (ii)The stated 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,

SIGNED:

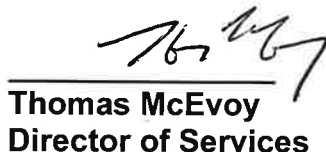

Joanna Kelly
Senior Planner

Dated: 10th December 2024

ORDER:

In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Section 57 Declaration of Exemption be Granted** for the works, as described above.

SIGNED:


Thomas McEvoy
Director of Services

Dated: 10th December 2024

To whom this function has been delegated in accordance with the provision of Sections 154 of the Local Government Act 2001 by Order no CE.S.336/24 dated the 15th day of September 2024.



PLANNING AND DEVELOPMENT ACT 2000 (as amended)
REQUEST FOR SECTION 57 DECLARATION

LHS24-05

The above Act provides that notwithstanding section 4(1)(a), (h), (i), (j), (k), or (l) and any regulations made under section 4(2) of the Act, 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

As an owner or occupier of a protected structure you are entitled under the above Act to make a written request to the Planning Authority to issue a Declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element (as set out in Section 57(3) of the Planning and Development Act 2000 as amended) of that structure.

In order to allow for consideration of this request, please supply the following information:

- 1. Name of Applicant: Fr. DAMIAN QUIGLEY
2. Address of Protected Structure: Eircode: A92 E732
St. Finian's Church, Dromin, Co. Louth
3. Correspondence of Protected Structure: (if different from 2 above) PAROCHIAL HOUSE, OLD CHAPEL LANE, DENVER, Co. LOUTH, A92 W29X
4. NIAH Ref. No. 13901832 Louth RPS Ref. No. LMS018-049
5. Is the structure owner occupied or rented? OWNER OCCUPIED (CHURCH)
6. If rented, state name and address of owner: N/A
7. Use of structure (residential, commercial etc.) CHURCH
8. Has a Declaration been sought previously? No.
9. Are you aware of any (1) previous planning application/s or (2) enforcement proceedings pertaining to this site? (If so, please give details): NOT AWARE.



**PLANNING AND DEVELOPMENT ACT 2000 (as amended)
REQUEST FOR SECTION 57 DECLARATION**


10. Please provide a brief description of the nature and scale of the development proposed (both internal and external) in particular the works that you are seeking a declaration for

SEE ATTACHED FOR FULLER DESCRIPTION & PHOTOS.
PROPOSED WORK IS REPAIR OF INTERNAL FLOOR (A SECTION OF) TO ADDRESS ROTTING OF JOISTS AND CONSEQUENT WEAKENING OF FLOOR. EXISTING FINISH & LOOK OF FLOOR IS TO BE REPLICATED. LIMITED SECTION OF FLOOR AFFECTED (SEE IMAGE SHOWING AREA CLOSED OFF)

Please note that the accuracy and relevance of the Declaration made by the Planning Authority is informed by the information furnished by the applicant.
Any deviation from the information provided may require the re-consideration of the declaration.

11. Please provide a Site Location Map to the scale of 1:1000 clearly identifying the structure and boundaries to which this application refers. The subject structure should be outlined in **red** and overall landholding to be outlined in **blue**

I wish to apply for a declaration from Louth County Council as to the type of works as outlined above, which may or may not require permission in the above named structure.

Signed: 
Daytime contact telephone number: 089-4077075

Date: 30/01/2024

It should be noted that the Council is normally obliged to issue this declaration within three months (12 weeks) of a request being made.

You will be contacted within this period to arrange an appointment for a suitably qualified person to carry out a detailed survey of the internal and external features of the structure.

Please Return Completed Form To:

Conservation, Planning Dept., Louth County Council,
Town Hall, Crowe Street, Dundalk, A91 W20C
Email: conservation@louthcoco.ie