

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Property Managment Ireland

Applicant's Address: Cratloe Wood Student Village, Old Cratloe Rd,
Ballygrennan, Limerick, V94 EYC1

Telephone No.

Name of Agent (if any): Diarmuid Keane & Associates Ltd.

Address: O'Curry Street, Kilkee, Co. Clare

Telephone No. 065 908 3667

Address for Correspondence:

Diarmuid Keane & Associates Ltd.

O'Curry Street, Kilkee, Co. Clare

Location of Proposed development (Please include **EIRCODE**):

Bloomfield, Annacotty, Co. Limerick

Description of Proposed development:

Removal of 12no. existing balconies and ancillary structural supporting elements, which are structurally compromised and currently unsafe for purpose and at risk of collapse. Please note the proposal seeks no increase to the existing floor area, or any alterations to the elevation as the existing balcony gaurdrail shall be relocated to the facade of the building as a "Juliet" balcony. The only alteration proposed, is the removal of the structurally compromised balcony walking structure.

Section of Exempted Development Regulations and/or section of the Act under which exemption is claimed:

No increase to floor area, no alterations to elevations, no change of use.

Is this a Protected Structure or within the curtilage of a Protected Structure.

YES **NO**

Applicant's interest in site: Managament Company

List of plans, drawings, etc. submitted with this application:

Site Location Map - 1:2500 (A4)

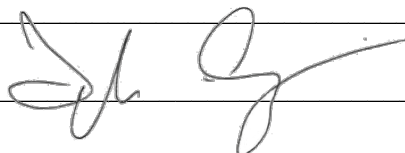
Site Layout Plans - 1:500 (A3)

Have any previous extensions/structures been erected at this location YES/ **NC**

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)



NOTES: Application must be accompanied by:

- (a) Fee of €80 Paid via Cashdesk (Ref PL041)
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**



Section 5 Declaration Cover Letter

Applicant: Property Management Ireland

Site Address: Bloomfield, Annacotty, Co. Limerick

Re.: Section 5 Application - Removal of 12no. existing balconies and ancillary structural supporting elements, which are structurally compromised and currently unsafe for purpose and at risk of collapse.

Our Ref.: DKA / 1989

Dear Sir/Madam,

With regard to the above, I can confirm I have inspected the 12 units seeking exemption as part of this application, and can confirm that the balconies as constructed are structurally compromised at risk of collapse. The condition of these balconies is generally poor, as Insufficient materials and weather-gaurding measured have resulted in significant water ingress and damage to the underlying unprotected steel structure, which is now significantly damaged to the point that removal is required.

The proposed work is considered remedial and involves simply the removal of the steel balcony structure, and walking surfaces entirely. The existing guardrail will be reattached to the façade of the building, to from a "Juliet" style balcony, meaning the existing doors/windows and general elevations remain unchanged. Therefore, the proposal does not require any increase to the floor area, any change of use of the structure, or any significant alterations to the elevations.

The main reason for this Section 5 Exemption Application, is to allow for the remedial works to commence immediately, to expedite action on site before further damage or collapse of structure is incurred. I look forward to your decision, and should you require anything further please do not hesitate to contact me.

Yours Sincerely,

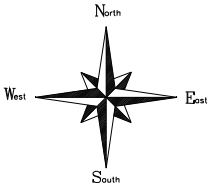
Diarmuid Keane BSc. (Hons) B. Surv, C.Build E, MCABE, MCIQB.
Diarmuid Keane + Associates Ltd



SITE OUTLINED IN RED

REMEDIAL WORKS LIMITED TO THE 12NO. BALCONIES.
LOCATED ON THESE 4 APARTMENT BLOCKS
(Please refer to enclosed Plans & Elevations for further detail)

PLEASE NOTE:
DRAWINGS PREPARED FOR PLANNING APPLICATION
PURPOSES ONLY. THESE DRAWINGS ARE COPYRIGHT OF
DIARMUID KEANE + ASSOCIATES LTD. NO WORK OR DESIGNS
SHALL BE REPRODUCED OR COPIED WITHOUT WRITTEN
PERMISSION.



SITE AREA = 0.496 HECTARES
OSI MAP NO. - 4744-B

— SITE OUTLINED IN RED

0.27

Bloomfield

DATE	REVISION	DETAILS	DRAWN



DIARMUID KEANE + ASSOCIATES LTD
Architecture | Engineering | Surveying
O'Curry Street, Kilkee, Co. Clare.
24 Barrington Street, Limerick.
T: 065-9083667 M: 087-4679682
E: info@diarmuidkeane.ie
W: www.diarmuidkeane.ie

Project:
12 Balcony Structures across Apartments 1-32 @ Bloomsfield, Annacotty, Co. Limerick

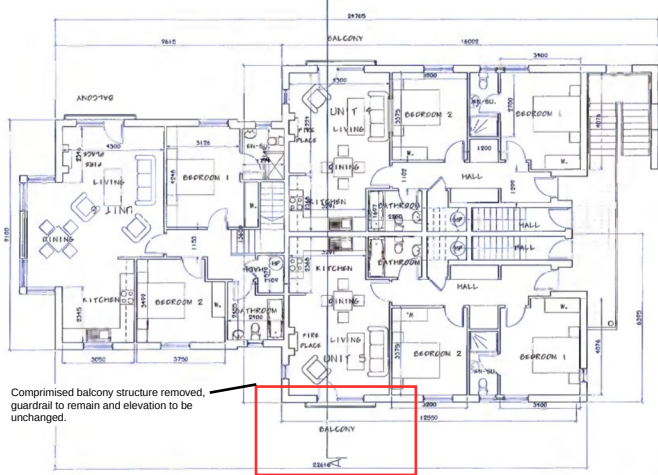
Client: Project Stage:
Planning Application

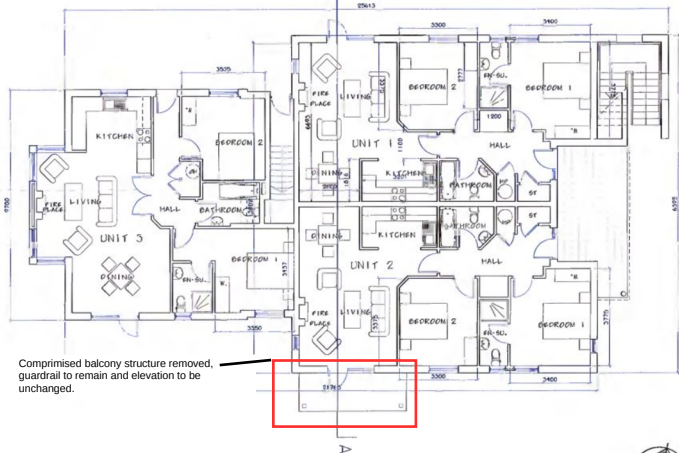
Drawing:
Site Layout Plan

Drawing By: Checked By: Client Ref No.:
Caoimhe McMahon Diarmuid Keane DKA / 1989

Date: 23-03-2026 Drawing No.:
DKA / 1989 / PA / 1

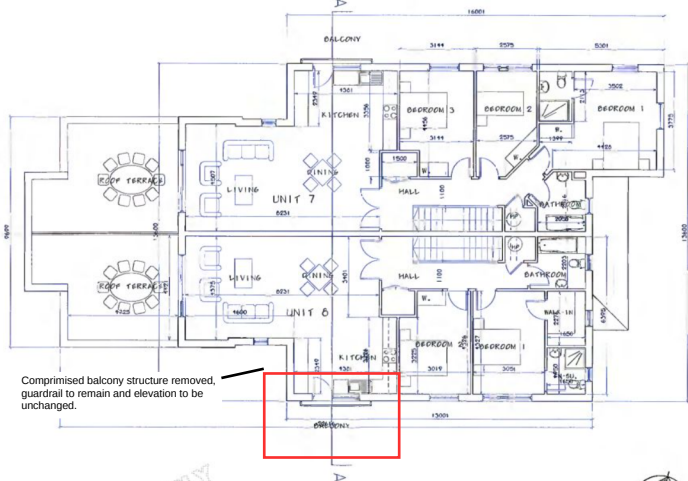
Scale: 1 : 500 @ A3





BLOCK A GROUND FLOOR PLAN





Compromised balcony structure removed,
guardrail to remain and elevation to be
unchanged.



Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

File Reference number	EC-066-26
Applicant(s)	Property Management Ireland
Location	Bloomfield, Annacotty, Co. Limerick.

Description of Site and Surroundings:

The site is located in the townland of Newtown, in the neighbourhood of Annacotty, east of Limerick City Centre. The application relates to 12 no. apartment balconies in the Bloomfield housing estate, accessed from the L-1165 local road.

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or are not exempted development:

- The applicant is proposing the removal of 12 no. structurally compromised protruding balconies, their steel structures and walking surfaces, and the reattachment of guardrails to the building façades to form 12 no. 'Juliet' balconies in their place

This Section 5 declaration includes the following:

- Application form
- Site location maps

Planning History:

Subject site:

03/2115 – Conditional Permission – Construction of 243 residential units comprising 30 detached houses, 64 semi-detached houses, 97 town houses and 52 apartments with associated site works.

Adjacent:

21/1400 – Conditional Permission – Residential development comprising 96 no. residential units, (16 no. semi-detached houses, 6 no. terrace houses, 2 detached units along with 2 no. 5 storey apartment blocks over basement, comprised of 72 no. apartments and basement parking), bin & bike stores, demolition of existing farm buildings, additional parallel parking along the Castletroy College road, accessed via a new entrance onto the Castletroy College road and all ancillary development works. Ancillary site development works include a new connection to the public water main, foul and surface water drainage, access roads, footpaths, vehicle parking, landscaping, boundary treatments and site development works

above and below ground. The planning application is accompanied by a NIS (Natura Impact Statement).

24/60420 – Conditional Permission – The alteration to previously approved planning reference no. 21/1400. The alteration seeks the reduction in size of both basements in apartment blocks no.3 & no.4 and the following amendments: (a) reduction in the no. of car parking spaces, (b) revised vehicle surface parking arrangement, (c) minor elevational changes to both apartment blocks, (c) revised landscaping arrangement and all ancillary site development works.

Enforcement History:

DC-147-11 – Case Resolved – Non-compliance.

Relevant An Coimisiún Pleanála referrals:

N/A.

Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘**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.

‘**structure**’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, 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) defines ‘**development**’ as ‘the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land’.

The proposal concerns, the removal of 12 no. structurally compromised protruding balconies, their steel structures and walking surfaces, and the reattachment of

guardrails to the building façades to form 12 no. 'Juliet' balconies in their place, constituting 'works' and 'development'.

Is the proposal exempted development?

To assess whether development is exempted development the proposal will be assessed under the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), which concerns development related to the carrying out of works for the maintenance, improvement or other alteration of any structure. This type of development may only be considered exempted development if the carrying out of such works, affect only the interior of the structure, or 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.

The proposed change from 12 no. protruding balconies to 12 no. 'Juliet' balconies, due to safety concerns arising from water ingress and structural damage, would infringe upon the external appearance of the structure and the provision of private amenity space, both of which are considered to form part of the character of the structure. Development cannot therefore be considered exempted development.

Article 9 Restrictions

No restrictions apply under Article 9 of the Planning and Development Regulations 2001 (as amended).

Appropriate Assessment

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

Conclusion/Recommendation

It is satisfied that the development proposal, the removal of 12 no. structurally compromised protruding balconies, their steel structures and walking surfaces, and the reattachment of guardrails to the building façades to form 12 no. 'Juliet' balconies in their place, constitutes development within the meaning of the Planning and Development Act 2000 (as amended).

However, these works are not considered to fall within the scope of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), as the development proposal would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and development cannot therefore be considered exempted development.

Regard has been had to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- (c) The plans and particulars submitted with the application received on the 23rd of April 2026

It is therefore considered that the said works constitute development but not exempted development under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

Graduate Planner	Isaac Cunningham	Date: 14/05/2026
Signature:		
Senior Executive Planner	Gráinne O'Keeffe	Date: 20/05/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-066-26
(e) Brief description of the project or plan:	The applicant is proposing the removal of 12 no. structurally compromised protruding balconies, their steel structures and walking surfaces, and the reattachment of guardrails to the building façades to form 12 no. 'Juliet' balconies in their place.
(e) Brief description of site characteristics:	The site is located in the townland of Newtown, in the neighbourhood of Annacotty, east of Limerick City Centre. The application relates to 12 no. apartment balconies in the Bloomfield housing estate, accessed from the L-1165 local road.
(e) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

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-Receptors)	Considered further in screening Y/N
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	0.98	None	N

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 - 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	None. No direct encroachment or hydrological connection
Operation phase e.g. - Direct emission to air and water - Surface water runoff containing contaminant or sediment - 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 risk) - Potential for accidents or incidents	None. No direct encroachment or hydrological connection
In-combination/Other	N/A.

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

Examples of the type of changes to give consideration to include: - Reduction or fragmentation of habitat area	None. No direct encroachment or hydrological connection
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- 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	
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(a) (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.		
Given the sites size, no hydrological connection to any SAC/SPA, no encroachment on any SAC/SPA and the limited scale of the development proposed, an AA is not required.		
Conclusion: AA is not required.		
	Tick as appropriate:	Recommendation:
i. It is clear that there is no likelihood of significant effects on a European Site	☒	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	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
iii. Significant effects are likely	☐	☐ Request NIS

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)		
☒	No. the development is not a project listed in Schedule 5, Part 2	No Screening required
☐	Yes the project is listed in Schedule 5. Part 2 and meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_	EIA is mandatory No Screening required
	Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _	Proceed to Part C
c. If Yes , has Schedule 7A information/screening report been submitted?		
Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required
No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required
Signature and Date of Recommending Officer:  Isaac Cunningham, Graduate Planner _____ 14/05/2026		
Signature and Date of the Decision Maker:  _____ 20/05/2026		

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Comhairle Cathrach
& Contae **Luimnigh**
Limerick City
& County Council

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
Luimneach
V94 WV78

Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
Limerick
V94 WV78

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

**Property Management Ireland
c/o Diamuid Keane & Associates Ltd,
O'Curry Street,
Kilkee,
Co. Clare**

EC/066/26

21 May 2026

Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

**(for) Senior Planner,
Development Management**

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2026/614

File Ref No. EC/06626

SUBJECT: Declaration under Section 5.
Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: **A removal of 12 no. structurally compromised protruding balconies, and reattachment of guardrails to the building façades to form 12 no. 'Juliet' balconies in their place at Bloomfield, Annacotty, Co. Limerick.**

ORDER: Whereas by Director General's Order No. DG/2026/031 dated 18th March 2026, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Grainne O'Keeffe, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

 Now therefore pursuant to the delegation of the functions aforesaid, I, Grainne O'Keeffe, Senior Executive Planner, having considered the report and recommendation of Isaac Cunningham, Graduate Planner dated 14/05/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Property Management Ireland, c/o Diamuid Keane & Associates Ltd, O'Curry Street, Kilkee, Co. Clare to state that the works as described above is

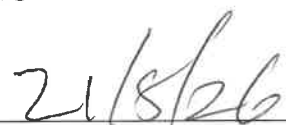
Development and is NOT Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date





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Limerick City
& County Council

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Tuar an Daill
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Planning Department
Limerick City & County Council
Dooradoyle Road
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Limerick
V94 WV78

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/066/26

Name and Address of Applicant: Property Management Ireland, Cratloe Wood Student Village, Old Cratloe Rd, Ballygrennan, Limerick.

Agent: Diamuid Keane & Associates Ltd, O'Curry Street, Kilkee, Co. Clare

Whether the removal of 12 no. structurally compromised protruding balconies, and reattachment of guardrails to the building façades to form 12 no. 'Juliet' balconies in their place at Bloomfield, Annacotty, Co. Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 23rd day of April 2026.

AND WHEREAS the Planning Authority has concluded that the removal of 12 no. structurally compromised protruding balconies, and reattachment of guardrails to the building façades to form 12 no. 'Juliet' balconies in their place at Bloomfield, Annacotty, Co. Limerick **DOES NOT** come within the scope of exempted development under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is NOT Exempt Development.**

Signed on behalf of the said Council C. Keane

Date: 21.5.2026

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.