



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

Planning Department
Menapia Building
The Mall
Waterford City
X91 FXN4

Phone: 0818 10 20 20

Email: planning@waterfordcouncil.ie

PLANNING APPLICATION FORM

Planning & Development Act 2000 (as amended)

BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING

- Please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.
- Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application.

ADDITIONAL INFORMATION

It should be noted that Waterford City & County Council has its own development plan, which sets out local development policies and objectives for its own functional area. The Authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the Development Plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore, applicants should familiarise themselves with the local policies and objectives of the Waterford City & County Development Plan which would apply to the proposed development and whether additional information is required prior to submitting the planning application. The Waterford City & County Development Plan is accessible on the Council's website www.waterfordcouncil.ie

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Housing, Local Government and Heritage (pursuant to Article 16 of the Habitats Directive).

DATA PROTECTION

The planning process is an open and public one. In that context, all planning applications are made available for public inspection and Waterford City and County Council publishes weekly lists of planning applications received as well as weekly lists of planning decisions. This information is also placed on the Council's website www.waterfordcouncil.ie.

It has come to our attention that the publication of planning applications by planning authorities can lead to applicants being targeted by persons in the business sector engaged in direct marketing. In response to a request from the Data Protection Commissioner, you are hereby given an opportunity to indicate a preference with regard to the receipt of direct marketing arising from the lodging of a planning application.

If you are satisfied to receive direct marketing, please tick this box

Direct marketing may be by post, by telephone, by hand or by electronic mail such as email or text message where such details are supplied. It is the responsibility of those entities wishing to use the personal data on planning applications and decisions lists for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 & 2003 taking account of the preference outlined above.

Please return the completed Planning Application Form, all required documents and fee to:

Planning Department
Waterford City & County Council
Menapia Building
The Mall
Waterford City
X91 FXN4

Public Opening Hours: 9.30 a.m. to 1 p.m. and 2 p.m. to 4 p.m. (Monday to Friday)
excluding public holidays.

Enquiries: Telephone 0818 10 20 20 Email planning@waterfordcouncil.ie

1.



PLANNING APPLICATION FORM

Please read directions and documentation requirements at back of form before completion.
All questions relevant to the proposal being applied for must be answered.
Non relevant questions: Please mark n/a.

2. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Cork Road, Kilbarry Road and Ballybeg Drive at Kilbarry, Cork Road, Waterford.
Ordnance Survey Map Ref No (and the Grid Reference where available) ¹	Map Series 1:1000, Map Sheets – 5701-09, 5701-10, 5701- 14, 5701-15

3. Type of planning permission (please tick appropriate box):

- Permission
- Permission for Retention
- Outline Permission
- Permission Consequent on Grant of Outline Permission

4. Where planning permission is consequent on grant of outline permission: N/A

Outline Permission Register Reference Number: N/A

Date of Grant of Outline Permission: / /

5. Applicant:²

Name(s)	Noel Frisby Construction Ltd.
Contact details of Applicant to be supplied at Question 23	

6. Where Applicant is a Company (Registered under the Companies Acts):

Name(s) of Company Directors	Noel Frisby, Stephanie Taheny, Noel E Frisby and James Frisby.
Registered Address (of Company)	5 St. Andrew’s Terrace, Waterford, Co. Waterford X91 EN12
Company Registration No.	103722

7. Person/Agent acting on behalf of the Applicant (if any):

Name(s)	Tom Halley, McCutcheon Halley Planning Consultants
Address of Agent to be supplied at Question 24	

8. Person responsible for preparation of Drawings and Plans: ^{3 & 16}

Name(s)	Darryl O'Neill
Firm / Company	Fewer Harrington & Partners Architects

9. Description of Proposed Development:

Brief description of nature and extent of development⁴

Permission for the following Large-Scale Residential Development (LRD) comprising of the construction of a student accommodation development which will consist of the construction of 85 no. student accommodation apartments (ranging in size from 5-bed apartments to 8-bed apartments) comprising a total of 582 no. bed spaces in 4 no. blocks ranging in height from 4-6 storeys, with student amenity facilities including 1 no. retail/cafe unit, communal areas, laundry room, reception, student and staff facilities, storage, ESB substation/switch room, bin and general stores and plant rooms. The development also includes the provision of landscaping and amenity areas including a central courtyard space, public realm/plaza (fronting on to the Cork Road), the provision of a set down area, 1 no. vehicular access point onto Ballybeg Drive, car and bicycle parking, footpaths, signage, boundary treatment, pedestrian and cycle improvements to Lacken Road (including a pedestrian crossing) and all ancillary development including pedestrian/cyclist facilities, lighting, drainage (including 2 no. bio retention ponds and upgrades to existing culverts), landscaping, boundary treatments and plant including PV solar at roof level.

A Natura Impact Statement (NIS) has been prepared and will be submitted to the planning authority with the application. The NIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Planning Authority.

10. Legal Interest of Applicant in the Land/Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner X	B. Occupier
	C. Other X	
Where legal interest is 'Other', please expand further on your interest in the land or structure	Letter of Consent from Waterford City County Council provided with this application	
If you are not the legal owner, please state the name of the owner and supply a letter of consent from the Owner to make the application as listed in the accompanying documentation.	As above, letter forms part of this application. Note: Address of the landowner is required at Question 25	

11. Site Area:

Area of site to which the application relates in hectares	1.99 ha
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12. Where the application relates to a building or buildings:

Gross floor space ⁵ of any existing building(s) in sq m	n/a
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Gross floor space of proposed works in sq m	16,924 m2
Gross floor space of work to be retained in sq m (if appropriate)	n/a
Gross floor space of any demolition in sq m (if appropriate)	n/a

13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:

Class of Development	Gross floor area in sq m
Student Accommodation	16,898m ²
Retail	139.75m ²

14. In the case of residential development please provide the following Breakdown of residential mix: N/A

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses							
Apartments							
Number of car parking spaces to be provided	Existing: Proposed: Total:						

15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use ⁶ (or previous use where retention permission is sought)	Greenfield
Proposed use (or use it is proposed to retain)	Student Accommodation
Nature and extent of any such proposed use (or use it is proposed to retain)	Student Accommodation

16. Social & Affordable Housing:

Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 (as amended) applies? ⁷	Please tick appropriate box	
	Yes	No X
If the answer to the above question is "yes" and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with Section 96 of Part V of the Act (as amended) including, for example, (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the	The application is not applicable for Part V as it is Student Accommodation.	

planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and

- (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act.
- (iii) If the answer to the above question is "Yes" but you consider that paragraph (j) of Section 96(3) would be applicable, evidence of when site was purchased should be submitted.

If the answer to the above question is "Yes" but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000 (as amended)⁸ a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).

If the answer to the above question is "No" by virtue of section 96(13) of the Planning and Development Act 2000⁹, (as amended) details indicating the basis on which section 96(13) is considered to apply to the development should be submitted.

17. Development Details:

Please tick appropriate box	Yes	No
Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?		X
Does the proposed development consist of work to the exterior of a structure which is located within an Architectural Conservation Area (ACA)?		X
Does the application relate to development which affects or is close to a monument or place recorded under Section 12 of the National Monuments Amendment Act 1994? ¹⁰		X
Does the proposed development require the preparation of an Environmental Impact Assessment Report (EIAR)? ¹¹		X
Does the application relate to work within or close to a European Site (under S.I. No.94 of 1997) or a Natural Heritage Area? ¹²		X
Does the application relate to a development which comprises or is for the purposes of an activity requiring a licence from the Environmental Protection Agency other than a waste licence?		X
Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?		X
Do the Major Accident Regulations apply to the proposed development?		X
Does the application relate to a development in a Strategic Development Zone?		X
Does the proposed development involve the demolition of any structure?		X

18. Site History:

<p>Details regarding site history (if known)</p> <p>Has the site in question ever, to your knowledge, been flooded? Yes [] No [X]</p> <p>If yes, please give details e.g. year, extent.</p> <p>_____</p> <p>_____</p> <p>Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [] No [X]</p> <p>If yes, please give details.</p> <p>_____</p>

Are you aware of any valid planning applications previously made in respect of this land/structure?

Yes No

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

Reference No.: 19/517 and 18/726 Date: 12th July 2019 and 26th October 2018

If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001, as amended.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development?¹³

Yes No

An Bord Pleanála Reference No.: _____

19. Pre-Application Consultation:

Has a pre-application consultation taken place in relation to the proposed development?¹⁴

Yes No

If yes, please give details:

Hazel O Shea (WCCC), Kieran Kehoe (WCCC) Roger Noonan (WCCC), Alan Kirwan (WCCC) and Brendan Cullinan (WCCC), Andrea McAuliffe (MHP) Tom Halley (MHP) William West (FHP) Claudia Tautenhahn (CSR), Noel Frisby (Applicant), Alan O'Neill (GNET), Corwun O'Brien (MOR),.

Reference No. (if any): LRD 23/1_____

Date(s) of consultation: 18/12/23 (32B Meeting)

Persons involved: As above

20. Services:

Proposed Source of Water Supply	
Existing connection <input type="checkbox"/>	New connection <input checked="" type="checkbox"/> _____
Public Mains <input checked="" type="checkbox"/>	Group Water Scheme <input type="checkbox"/> Private Well <input type="checkbox"/> Other <input type="checkbox"/>
Other (please specify): _____	
Name of Group Water Scheme (where applicable) _____	
NB: Letter of consent for connection is also to be provided from the Group Water Scheme.	
Proposed Wastewater Management/Treatment	
Existing <input type="checkbox"/>	New <input checked="" type="checkbox"/> _____
Public Sewer <input checked="" type="checkbox"/>	Conventional Septic Tank System <input type="checkbox"/>
Other on-site treatment system <input type="checkbox"/> Please specify: _____	
Proposed Surface Water Disposal	
Public Sewer/Drain <input type="checkbox"/>	Soak Pit <input type="checkbox"/>
Watercourse <input checked="" type="checkbox"/>	Other <input type="checkbox"/> (Please specify): <u>Discharged to Bio Retention Pond</u> <u>before discharging to local stream</u>
Not applicable <input type="checkbox"/> (Confirmation of Feasibility from Irish Water forms part of the Engineering Report)	

21. Details of Public Notices:

Approved newspaper ¹⁵ in which notice was published	The Irish Examiner
Date of Publication	23 February 2024
Date on which Site Notices were erected ¹⁷	29 February 2024

22. Application Fee:

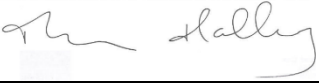
Fee Payable ¹⁹	€49,532.44
Basis of Calculation	Class 14 (b) - €130 per 2 student bedspaces x 582 = €37,830 Class 14 (b) other uses (Bin Storage – 70.7m2, Sub/Switch Room – 26m2, Retail 139.75m2) = 236.45m2

	@ €7.20 per square metre = €1,702.44
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	Class 14 (c) – Submission of an NIS = €10,000
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Declaration (1):

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000 (as amended), and the Regulations made thereunder.

To be signed by Applicant(s) or Agent where applicable	
Signed (1)	
Signed (2)	
Date	22/02/2024

CONTACT DETAILS - NOT TO BE PUBLISHED

23. Applicant(s) Address / Contact Details:

Address	Noel Frisby Construction Ltd., 5 St, Andrew's Terrace, Waterford Co. Waterford X91 EN12
Email Address	n/a
Telephone number (optional)	n/a

24. Agent's (if any) Address / Contact Details:


Address	McCutcheon Halley Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, Cork
Email address	thalley@mhplanning.ie
Telephone number (optional)	021 4208211
Should all correspondence be sent to the Agent's address (where applicable)? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address) Yes [X] No []	

25. Landowners Address/Contact Details (if different from that supplied at Question 23 above).

Address	Letter of Consent from Waterford City and County Council
Email Address	

Declaration (2):

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000 (as amended), and the Regulations made thereunder.

Signature(s) of Applicant(s)	
Date	22/02/2024

A CONTACT ADDRESS MUST BE GIVEN, WHETHER THAT OF THE APPLICANT OR OF THE AGENT.

ADDITIONAL CONTACT INFORMATION

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application. These details will not be made available to any third party with the exception of An Bord Pleanála in the event of an appeal, where again it will only be used by An Bord Pleanála for the purposes of administering the appeal.

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

ALL Planning Applications

- Y 6 copies of the fully completed and signed Planning Application Form
- Y 6 copies of the relevant page of newspaper that contains notice of your application including the date and title of the newspaper
- Y 6 copies of the site notice
- Y 6 copies of site location maps ¹⁶
- Y 6 copies of site or layout plan ^{16 & 17}
- Y 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections – except in the case of outline permission)
- Y Schedule of Plans/Drawings being submitted
- Y The appropriate Planning Fee

Where the applicant is not the legal owner of the land or structure in question:

- Y The written consent of the owner to make the application ¹⁸

Where the application is for residential development that is subject to Part V of the Planning & Development Acts 2000:

Details of the manner in which it is proposed to comply with section 96 of Part V of the Act including, for example, (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act.

Or

- Y A certificate of exemption from the requirements of Part V

Or

- Y A copy of the application submitted for a certificate of exemption.

Where the application is for residential development that is not subject to Part V of Planning & Development Act 2000 by virtue of Section 96(13) of the Act:

- Y Information setting out the basis on which Section 96(13) is considered to apply to the development.

Where the disposal of wastewater for the proposed development is other than to a public sewer:

- Y Information on the on-site treatment system proposed
- Y A Site Suitability Assessment of the site for the proposed system.
- Y 2 Copies of Longitudinal Section including the dwelling, the treatment unit and percolation area.
- Y 2 copies of site characterisation form as per the EPA Code of Practice.

Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):

- Y Photographs, plans and other particulars necessary to show how the development would affect the character of the structure.

Applications that refer to a material change of use or retention of such a material change of use:

- Y Plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of Article 23) and other particulars required describing the works proposed.

Where an application requires an Environmental Impact Assessment Report:

- Y 10 Copies of the Environmental Impact Assessment Report + 1 electronic copy, and
- Y A copy of the confirmation notice received from the EIA portal in accordance with Article 97B(2) of the permission regulations

Where the proposed development requires a Transport / Traffic Assessment in accordance with thresholds set out in the Traffic Management Guidelines issued the Department of the Environment, Heritage and Local Government, the Department of Transport and the Dublin Transportation Office:

- Y A Transport / Traffic Assessment

Applications that are exempt from planning fees:

- Y Proof of eligibility for exemption¹⁹

DIRECTIONS FOR COMPLETING THIS FORM

1. Grid reference in terms of the Irish Transverse Mercator.
2. “The applicant” means the person seeking the planning permission, not an agent acting on his/her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, i.e. floor areas must be measured from inside the external wall.
6. Where the existing land or structure is not in use, please state most recent authorised use of the land or structure.
7. Part V of the Planning and Development Act 2000 (as amended) applies where –
 - the land is zoned for residential use or for a mixture of residential and other uses;
 - there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing; and
 - the proposed development is not exempt from Part V.
8. Under Section 97 of the Planning and Development Act 2000 (as amended), applications involving development of 9 or fewer houses or development on land of less than 0.1 hectare may be exempt from Part V.
9. Under Section 96(13) of the Planning and Development Act 2000 (as amended), Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under Section 96 of the Act.
10. The Record of Monuments and Places, under Section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Housing, Local Government and Heritage or a local authority or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Housing, Local Government and Heritage. For information on whether national monuments are in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Housing, Local Government and Heritage.
11. An Environmental Impact Assessment Report (EIAR), and the confirmation notice from the EIA portal, is required to accompany a planning application for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended) which exceeds a limit, quantity or threshold set for that class of development. An EIAR and ‘portal confirmation notice’ will also be required by the planning authority in respect of sub-threshold development where the authority considers that the development would be likely to have significant effects on the environment (Article 103). In accordance with Article 97 of the Planning and Development Regulations 2001 (as amended) where an EIAR is required to be submitted in connection with a planning application the applicant for planning permission shall submit 10 copies and one electronic copy of the EIAR. The electronic copy of the EIAR submitted shall be searchable by electronic means as far as practicable.
12. An appropriate assessment of proposed development is required in cases where it cannot be excluded that the proposed development would have a significant effect on a European site. It is the responsibility of the Planning Authority to screen proposed developments to determine whether an appropriate assessment is required and where the Authority determines that an appropriate assessment is required, the Authority will normally require the applicant to submit a Natura Impact Statement (NIS). Where the applicant considers that the proposed

development is likely to have a significant effect on a European site it is open to him/her to submit a NIS with the planning application.

13. The appeal must be determined or withdrawn before another similar application can be made.
14. A formal pre-application consultation may only occur under Section 247 of the Planning and Development Act 2000 (as amended). Applicants are advised to avail of a pre-application consultation. In the case of residential development to which Part V of the 2000 Act applies, applicants are advised to avail of the pre-application consultation facility in order to ensure that a Part V agreement in principle can be reached in advance of the planning application being submitted.
15. The list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority to which the application will be submitted.
16. All plans, drawings and maps submitted to the Planning Authority should be in accordance with the requirements of the Planning and Development Regulations 2001 (as amended).
17. The location of the site notice(s) should be shown on site location map.
18. The applicant/agent should make the owner aware that the letter will be placed on a public planning file and may be placed on the planning authority's website.
19. See Schedule 9 of Planning and Development Regulations 2001 (as amended). If a reduced fee is tendered, details of previous relevant payments and planning permissions should be given. If exemption from payment of fees is being claimed under Article 157 of the 2001 Regulations, evidence to prove eligibility for exemption should be submitted.