

COMHAIRLE CHONTAE CHILL CHAINNIGH
KILKENNY COUNTY COUNCIL



COUNTY HALL, JOHN ST, KILKENNY

Tel: 056 7794010

Email: planning@kilkennycoco.ie

Fax: 056 7794004

Website: www.kilkennycoco.ie

Planning and Development Acts 2000-2015

Application Form for Certificate of Exemption under Section 97 (3) of the Planning and Development Act 2000 as amended by Section 5 of the Planning and Development (Amendment) Act 2002

1. Name of applicant: _____
 2. Address of applicant: _____
 3. Name and address to which correspondence is to be sent: _____

 - Tel No: _____ Fax No: _____ E-mail: _____
 4. Location of Development: Townland: _____
Postal Address: (if different from Townland): _____
 5. Name and Address of Agent: _____

 6. (i) If the applicant is a Company under the Companies Act 1963 to 2014, state the name of the Directors of the Company (if this space is insufficient, please use a separate sheet):

 - (ii) Registered Address of Company: _____
 - (iii) State Company's Registration No.: _____
 7. Names and Address of Landowner: _____

 8. No. of housing units proposed to be constructed on site: _____
 9. Site Area: _____ hectares
- Signed: _____ Date: _____
(Signature of Applicant)

The following documentation must be submitted with your application:

- a) **Statutory Declaration as attached.**
- b) **Site Location Map** – An extract (not less than A4 size) from appropriate Ordnance Survey Map. Scale not less than 1:1000 in built up areas and 1:2500 in all other areas (which shall be identified thereon) (the number of the OS map is to be stated) on which the overall site of the project must be outlined in red. Adjoining lands, within 400 metres of the site, in which the applicant (and/or the site owner) has an interest are to be outlined in blue. The North point is to be clearly shown.

STATUTORY DECLARATION
PLANNING & DEVELOPMENT ACTS 2000-2015

I _____ (Name) of _____
_____ (Address)

aged 18 years and upwards do solemnly and sincerely declare as follows:-

1. I say that I am the applicant for a Certificate pursuant to the Section 97 of the Planning & Development Act 2000 as amended by Section 5 of the Planning & Development (Amendment) Act 2002 and I make this Statutory Declaration for that purpose.
2. The site the subject of the Statutory Declaration is situate at _____
_____ (address of site),
County Kilkenny and is shown outlined in red on the map attached hereto.
3. I have set out in the First Schedule to this Statutory Declaration in respect of the period of five years preceding the application, particulars of the legal and beneficial ownership of the said site to which the application relates.
4. I have set out in the Second Schedule hereto the identity of any persons (if any) with whom I am acting in concert.
5. I have set out in the Third Schedule hereto the identity of any interest that I, or any person with whom I am acting in concert, has had during the previous five years in lands situate within 400 metres of the site the subject of this Statutory Declaration.
6. I have set out in the Fourth Schedule hereto details of any certificates, still remaining in force, which has been granted within five years from the date hereof under Section 97 of the Planning & Development Act 2000 as amended by Section 5 of the Planning & Development (Amendment) Act 2002 to me, or to anyone with whom I am acting in concert.
7. I have set out in the Fifth Schedule hereto details of any permissions granted to me or to any person with whom I am acting in concert to carry out development consisting of nine or fewer houses or of housing on land of 0.1 hectares or less within five years from the date hereof on the site to which this application relates or on land in its immediate vicinity (disregarding any development carried out or permission granted prior to November 2001).
8. I am not aware of any facts or circumstances which would constitute grounds under Section 97(12) of the Planning & Development Act 2000 for refusal by Kilkenny County Council to grant the Certificate sought **(copy of the said Section 97(12) is attached)**.

9. I make this statutory Declaration by virtue of the provisions of the Statutory Declaration Act 1938 and for the benefit of the County Council of the County of Kilkenny, from facts within my own knowledge, save where otherwise appears and where so appearing I conscientiously believe the same to be true.

FIRST SCHEDULE

(Particulars of ownership of the site)

SECOND SCHEDULE

(Details of persons acting in concert)

THIRD SCHEDULE

(Details of interest of applicant or others in concert with applicant, in lands within 400 metres of the site)

FOURTH SCHEDULE

(Details of Certificates previously granted)

FIFTH SCHEDULE

(Details of Permissions previously granted)

Declared by the said

this day of 20
at in the
County of before
me a Peace Commissioner/
Commissioner for Oaths and
I know the deponent.

Peace Commissioner/
Commissioner for Oaths

Warning: It is an offence for a person to knowingly or recklessly make a Statutory Declaration that is false or misleading in a material respect.

PLANNING & DEVELOPMENT ACTS 2000-2015

Section 97(12) of the Planning & Development Act 2000 **As amended by Planning & Development Act 2002**

Section (12) states:

A planning authority shall not grant a certificate in relation to a development if the applicant for such certificate, or any person with whom the applicant is acting in concert-

- (a) has been granted, not earlier than 5 years before the date of the application, a certificate in respect of a development, and the certificate at the time of the application remains in force, or
- (b) has carried out, or has been granted permission to carry out, a development referred to in *subsection (3)*, not earlier than –
 - (i) 5 years before the date of the application, and
 - (ii) one year after the coming into operation of this section,

in respect of the land on which it is proposed to carry out the first mentioned development, or land in its immediate vicinity, unless –

- (I) the aggregate of any development to which *paragraph (a)* or *(b)* relates and the first mentioned development would not, if carried out, exceed 4 houses, or
- (II) (in circumstances where the said aggregate would exceed 4 houses) the aggregate of the land on which any development to which *paragraph (a)* or *(b)* relates, and the land on which it is proposed to carry out the first mentioned development, does not exceed 0.1 hectares.

Note:

All sections of Application Form and Statutory Declaration to be completed – enter n/a where appropriate. Incomplete Forms will be returned to applicant.