



CARLOW COUNTY COUNCIL
COUNTY BUILDINGS, ATHY ROAD, CARLOW.
Phone:059-9170300/ Fax: 059-9170836
Website: www.carlow.ie

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

Note: In accordance with the provisions of Section 97(3) of the Planning and Development Act 2000 as amended an application for an exemption certificate shall be lodged before a planning application is made.

1. Name of applicant: _____
2. Address of applicant: _____
3. Name and address to which correspondence is to be sent (if Agent, please state agent address here):

- 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) The applicant is a Company under the Companies Act 1963 to 1999, 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)

Note: This application must be accompanied by:

1. Copy of Ordnance Survey Map- Scale 1:1000 in built up areas and 1:2500 in all other areas showing the following-
 - the proposed development site outlined in red
 - land located 400 metres and/or less from the boundary of the proposed site must be outlined in blue
 - if the area outlined in red contains parcels of land that have different owners and/or where different people or companies have an interest, the separate parcels of land should be outlined in green and labelled A, B, C, etc
2. A copy of the land registry entries of the proposed development land, showing the history of ownership both current and during the preceding five years, or other suitable documentation proving ownership, such as a copy of the deeds of sale.
3. A statutory Declaration Form (sample attached) giving the information required under Section 97(5) of the Planning and Development Act 2000 as amended.

OFFICE USE ONLY

Date Received: _____

Date Decision Due: _____

Date of Decision: _____

Recommendation: _____

STATUTORY DECLARATION (Sample)

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 Section 97 of the Planning and Development Act 2000 as amended and I make this Statutory Declaration for that purpose.
2. The site the subject of the Statutory Declaration is situated at _____ (address of site) County Carlow 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 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 and Development Act 2000 as amended, 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 four 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 as amended for refusal by Carlow 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 Carlow, from facts within my own knowledge, save where otherwise appears and where so appearing I conscientiously believe the same to be true.

Note: All schedules must be completed. Not applicable (N/A) is not an appropriate response to any of the schedules.

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 within 400m of the site in the last 5 years)

Declared by the said _____ this _____ day of _____

at _____ in the County of _____ before me a Peace Commissioner/

Commissioner for Oaths (delete as appropriate) and I know the deponent.

_____ signed _____ print name

Peace Commissioner/
Commissioner for Oaths

Address: _____

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. Your attention is drawn to Section 97 (17) of the Planning and Development Act 2000 as amended, which provides that a person who knowingly or recklessly makes a statutory declaration or provides information or documentation that is false or misleading in a material respect or who fails in any way to comply with the requirements of Section 97 (12) and to Section 97 (18) which provides that any person who forges, alters a Certificate or have in their possession a forged or altered Certificate shall be guilty of an offence and shall be liable on summary conviction to a fine up to €1,904 or to imprisonment for a term of up to 6 months or to both. And on conviction on indictment to a fine of up to €634,869 or to imprisonment for a term of up to 5 years or to both.

This Act further provides that a person, who is convicted on indictment of an offence under Section 97 (17) or (18), may also, in addition, be liable to have the equivalent of any gain which has accrued to that person by reason of the grant of a certificate on foot of the statutory declaration, forfeited.

Section 97(12) of the Planning and Development Act 2000as amended

(12) 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.