

Application form for certificate of exemption from the provisions of Section 96 of the Planning and Development Act 2000 as amended by Section 3 of the Planning and Development (Amendment) Act 2002

1 Applicant Name & Address

Brigid McCullagh
Clonlea
Ballinteer Road
Dublin 16

Tel. no.	Fax no.	Email
01-2989184		bridie.mccullagh@gmail.com

2 Where applicant is a company registered under the Companies Act 1963 to 1999, please state

Name of company

n/a

Name(s) of company director(s)

n/a

Address of company

n/a

Reg. no.

n/a

3 Agent Name & Address

Josh Maguire
The House Architects
36 St. Mobhi Road
Glasnevin, Dublin 9

Tel. no.	Fax no.	Email
0879782289		josh@thehousearchitects.ie

4 Name and address for correspondence

Josh Maguire
The House Architects
36 St. Mobhi Road
Glasnevin, Dublin 9

5 Number of dwelling units proposed

1

6 Site area (hectares) of the land on which it is proposed to carry out the development. This area should correspond with the area outlined in red on the location map, see note below

0.0275 hectares

7 ☐ *Applicant's legal interest in the site outlined in red*

8 ☐ *Applicant's legal interest in the lands outlined in blue*

9 Location of the proposed development

Clonlea, Ballinteer Road
Dublin 16

10 Description of the proposed development

Detached 4 bedroom house

Note: This application must be accompanied by a copy of a location map, scale 1:1000 in built up areas and 1:2500 in all other areas with the site clearly outlined in red and any other lands in which the applicant may have an interest clearly outlined in blue and a Statutory Declaration giving the information required under Section 97 (5) of the Planning Act 2000 and Articles 48 and 49 of the Planning and Development Regulations 2001.

Signed	Date
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Planning and Development Act 2000

Section 97 as amended by Section 5 of the Planning and Development (Amendment) Act, 2002

5. An applicant for a certificate shall be accompanied by a statutory declaration made by the applicant:
 - (a) giving, in respect, **of the period of the 5 years preceding the application**, such particulars of the legal and beneficial ownership of the land, on which it is proposed to carry out the development to which the application relates, as are within the applicant's knowledge or procurement,
 - (b) identifying any persons with whom the applicant is acting in concert,
 - (c) giving particulars of:
 - (i) any interest that the applicant has or had at any time during the said period, in any land in the immediate vicinity of the land on which it is proposed to carry out such development and
 - (ii) any interest that any person with whom the applicant is acting in concert has, or had at any time during the said period, in any land in the said immediate vicinity*, of which the applicant has knowledge,

* Please note that Section 97(2)(b) provides as follows:
"Land in the immediate vicinity of other land shall be deemed in any particular case not to include land that is more than 400 metres from the land second-mentioned in this subsection".

 - (d) stating that the applicant is not aware of any facts or circumstances that would constitute grounds under subsection (12) for the refusal by the planning authority to grant a certificate,
 - (e) giving such other information as may be prescribed.
6. (a) A planning authority may require an applicant for a certificate to provide it with such further information or documentation as is reasonably necessary to enable it to perform its functions under this section.
(b) Where an applicant refuses to comply with a requirement under paragraph (a), or fails within a period of 8 weeks from the date of the making of the requirement, to so comply, the planning authority concerned shall refuse to grant the applicant a certificate.
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) 1 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.

Article 49 of Planning Development Regulations 2001

In addition to the requirements of section 97(5) of the Act, an applicant for a certificate under that section shall state in the statutory declaration made by the applicant to accompany the application:

- (a) whether the applicant, or any person with whom the applicant is acting in concert, has been granted, within the period of 5 years prior to the date of making of the application, a certificate under section 97 of the Act which at the time of the application remains in force, and
- (b) whether the applicant, or any person with whom the applicant is acting in concert, has carried out, or has been granted permission to carry out, a development consisting of the provision of 4 or fewer houses or of housing on land of 0.1 hectares or less within the period of five years prior to the date of making the application for a certificate, on land in respect of which the certificate is being sought or land in its immediate vicinity (save that any such development carried out, or permission granted, before 1st November 2001 may be disregarded).

Template of Statutory Declaration attached. Please read carefully.

Planning and Development Act 2000 Part V Statutory Declaration TEMPLATE.

I, the applicant of **address in the County of Dublin** aged 18 years and upwards do solemnly declare as follows:

1. I say that I am the Applicant **name/a** Director of **Company name** (hereinafter called "the Company"/"Applicant") the applicant for a certificate pursuant to Section 97 of the Planning and Development Act 2000 and I make this Statutory Declaration for and behalf and with the authority of the Company for that purpose.
2. The site, the subject of the Statutory Declaration, is **situated at site address** (hereinafter called "the Property") and is shown outlined in red on the map attached thereto.
3. I say that the Company/Applicant purchased the property from name of vendor on date*.
* NB refer to 5(a) (Planning and Development Act 2000) on previous page.
4. I say that the Company/Applicant is not acting in concert with any person or persons.
5. I say that the Company/Applicant has not had any interest nor has acted in concert with any person or persons that has had an interest in lands situated within 400 metres of the Property during the previous five years.
6. I say that there are no certificates in force which have been granted within five years from the date hereof under Section 97 of the Planning and Development Act 2000 to the Company/Applicant, or to anyone with whom the Company/Applicant acted in concert.
7. I say that there are no developments carried out or permission to carry out a development, granted to the Company/Applicant or to any persons with whom the Company/Applicant acted in concert 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 property or on land in its immediate vicinity (disregarding any development carried out or permission granted prior to November 2001.)
8. I am not aware nor is the Company/Applicant aware of any facts or circumstances which would constitute grounds under Section 97(12) of the Planning and Development Act 2000 for refusal by Dún Laoghaire Rathdown County Council to grant the certificate sought.
9. I make this statutory declaration by virtue of the provision of the Statutory Declarations Act 1938 and for the benefit of Dún Laoghaire Rathdown Council from facts within my own knowledge, save where otherwise appears and where so appearing I conscientiously believe the same to be true.

Declared by the said Company/Applicant this date at solicitor's address before me, a commissioner for oaths/practising

Signed company/applicant

Signed commissioner for oaths/practising solicitor

solicitor and I know the deponent.