

COMHAIRLE CHONTAE CHILL DARA
KILDARE COUNTY COUNCIL



ARAS CHILL DARA, DEVOY PARK, NAAS, CO. KILDARE.

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Application Form for Certificate of Exemption under Section 97 (3) of the Planning and Development Act 2000 as amended and Section 36 of the Urban Regeneration and Housing Act 2015.

In accordance with the provisions of Section 97 (3) of the Planning and Development Act, 2000 (as amended) an application for a Certificate of Exemption should be lodged before an application for planning permission is submitted.

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) The applicant is a Company under the Companies Act 1963 to 1994, 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 of not less than 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 & 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 & 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 situated at _____
_____ (address of site) County Kildare 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 & 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 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 Kildare 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 Kildare, 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 & Development Act 2000 as 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.

**PLEASE READ PRIOR TO SUBMITTING AN APPLICATION
AND *DETACH* FROM APPLICATION FORM**

Have you answered ***all*** questions on the application form/have you used the correct application form - check that all relevant pages of the application form are included.

NOTES:

In accordance with the provisions of Section 97 (3) of the Planning and Development Act, 2000 (as amended) an application for a Certificate of Exemption should be lodged ***before*** an application for planning permission is submitted.

This application must be accompanied by a Statutory Declaration giving the information required under Section 97 (5) of the Planning and Development Act, 2000 (as amended) and Article 49 of the Planning and Development Regulations 2001 (as amended).

The applicant shall comply fully with the requirements of S.97 of the Planning and Development Act, 2000 (as amended) and Articles 48 and 49 of the Planning and Development Regulations, 2001 (as amended) in the making of this application for a Certificate of Exemption.



Comhairle Contae Chill Dara

Kildare County Council

Data Protection Act 2018

PRIVACY STATEMENT

Who are we?

Kildare County Council (the Council) is the democratically elected unit of Local Government in County Kildare and is responsible for providing a range of services to meet the economic, social and cultural needs of the people of our County. In order to provide the most effective and targeted services to meet the needs of the citizens, communities and businesses of County Kildare we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being offered, information sought may include 'personal data' as defined by the Data Protection Acts and the General Data Protection Regulation (GDPR) and may relate to current, past and future service users; past; current and prospective employees; suppliers; and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect process and use certain types of personal data to comply with regulatory or legislative requirements or to carry out functions in the public interest.

Why do we have a Privacy Statement?

This privacy statement has been created to demonstrate the Council's commitment that personal data you may be required to supply to us, to enable us to provide services, is;

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, identified and legitimate purposes
- Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Personal data collected and processed must be accurate and (where necessary) kept up to-date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

More detail is available in our Data Protection Policy at

<http://kildare.ie/CountyCouncil/DataProtection/> or you can request a hard copy at 045 980 200.

What is the activity referred to in this Privacy Statement?

Kildare County Council performs the role of Planning Authority for the County. The planning application process is a statutory requirement which allows for the relevant parties and public to participate in the proper development of the lands in the County.



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What is the basis for making the processing of this personal data lawful?

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Kildare County Council in accordance with Article 6(1)(e) of the General Data Protection Regulation, 2016. Specifically the lawful basis for this process is the Planning & Development Acts 2000- 2017 and the Planning and Development Regulations 2001 - 2017. In addition there are also certain delegated functions under the local Government Reform Act 2014.

We require contact details

In order to communicate with you, you will be asked for contact details. You do not have to provide all contact details but providing more, such as email, phone, address, makes it easier to communicate. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data. These contact details may also be used to verify your identity.

What other types of personal data do we need to undertake this activity?

- (a) Data subject - Name, address, contact number, copy of payment receipt, local needs information & supporting documentation which may include documents such as birth certificate, baptismal certificate, credit union details, copy of driving licence, copy of passport, school documentation etc.
- (b) Third parties related to the land - name, address, land ownership
- (c) Third parties - information related to submissions made to the Planning Authority (Elected Representatives)

Medical records and potentially other sensitive data can be processed under the rural housing local need aspect of this activity. This information is not requested; however it may be voluntarily submitted as part of the application.

What will happen if the personal data is not provided?

All information requested as part of the application process, (excluding the **rural housing** local need information) is mandatory as part of the application process and is required for the application to be considered valid. Any application deemed invalid will not proceed. If the local need information is not submitted, the planner may refuse or request further information on the file in order to satisfy the Planning Authority that the applicant is compliant with the Rural Housing policy of the Kildare County Development Plan 2017-2023

Am I the only source of this personal data?

In some instances to assist with the delivery of the activity or to comply with regulatory or legislative requirements personal data is sourced from a third party. This **may apply** to this activity.



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Data may be sourced during the planning application process from public sources such as the Property Registration Authority and other publically available information that Kildare County Council may hold.

Is personal data submitted as part of this activity shared with other organisations?

The Council may, to fulfil statutory or regulatory obligations or in the public interest, from time to time, have to share personal data with other organisations or entities (in Ireland or abroad). Where this is required the Council shall have regard to your rights, to the security and integrity of the data and will minimise the data shared.

Sharing **APPLIES** to this activity.

As part of this process, the planning application data which is publicly available may be forwarded to external agencies/consultees such as ESB, Irish Rail, etc. to review and make a submission if they wish. If an application is to be appealed Kildare County Council are required under the Planning and Development Acts to give all details submitted as part of the planning application to An Bord Pleanála, who then become the joint data controller for the information they hold.

Data **IS NOT** transferred to another country.

Data is transferred to (if there are no countries listed, it is not intended to transfer the personal data abroad)

How long is my data kept for?

The Council has a detailed record retention policy which outlines time periods for which your personal data will be retained and what will happen to it after the required retention period has expired. A copy of Record Retention Policy can be accessed via the following link:

http://www.lgma.ie/sites/default/files/2002_national_retention_policy_for_local_authority_records_2.pdf

Do you need to update your records?

Kildare County Council must take reasonable steps to ensure that personal data we have about our customers is correct and up to date.

In addition, if the data held by us is found to be inaccurate you have the right to rectify/correct this. If you find that personal data we have about you is inaccurate or needs to be updated (for instance, you may have changed your name, address, contact details etc.) then please contact us so that we can correct it. You can do this by:



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Writing to us at: Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F
Emailing us at customercare@kildarecoco.ie

When making a request to update your record please provide evidence to support this - for example a copy of a document containing your new address – utility (Gas, Electricity, Phone) bill etc.

Your rights:

You have the right to obtain confirmation as to whether data concerning you exists, to request access to personal data held about you, to be informed of the content and source of data and check its accuracy.

If the data held by us is found to be inaccurate you have the right to rectify/correct this – see above on how to update your records.

You also, subject to certain conditions being met, have the right to object to or seek restriction of the processing of personal data and to request the erasure of personal data held by the Council.

Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data.

To exercise these rights logon to <http://kildare.ie/CountyCouncil/DataProtection/> , use one of the forms at our Counter or contact us.

Kildare County Council - Access to Information Officer

Phone	045 982 200
E-mail	dataprotection@kildarecoco.ie or customercare@kildarecoco.ie
Postal Address	Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F.

Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received by the Council you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you. The Data Protection Commissioner's website is www.dataprotection.ie or you can contact their Office at:



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Kildare County Council

Lo Call Number	1890 252 231
E-mail	info@dataprotection.ie
Postal Address	Data Protection Commissioner Canal House Station Road Portarlinton, Co. Laois. R32 AP23.

Changes to Privacy Statement

We may make changes to this Statement. If we make any changes they will be posted on this page and we will change the "Last Updated" date below.

Last Updated 14 Oct 2021.