



SLIGO COUNTY COUNCIL
Comhairle Chontae Shligigh

Application Form for a Certificate of Exemption from the provisions of Section 97 of the Planning & Development Act, 2000 (As Amended).

The exemption certificate application form should be accompanied by the following:

- (1) A location map of a sufficient size and containing details of features in the vicinity such as to permit the identification of the land to which the application relates, to a scale of not less than 1:1000 in built up area and 1:2500 in all other areas (which shall be identified thereon), and marked or coloured so as to identify clearly the land to which the application relates and the boundaries thereof.
- (2) Site layout map (scale 1:500)
- (3) Statutory Declaration giving the information required under Section 97(5) of the Planning and Development Act, 2000 and Article 49 of the Planning and Development Regulations 2001 (as amended).

SECTION 1

Applicant Details:

Title: _____ Surname: _____ Forenames: _____

Address: _____

Telephone No: _____ Mobile: _____

Email: _____

Name & Address of Person acting on behalf of Applicant (to which all correspondence will be sent unless specified by applicant): _____

Telephone No: _____ Email: _____

Email: _____

Company Details (if applicable) where registered under the Companies Act 1963 to 1999

Company Name: : _____

Company Registration No: _____

Address: _____

Telephone No: _____ Mobile: _____

Email: _____

Details of Directors

Surname: _____

Forenames: _____

Surname: _____

Forenames: _____

Surname: _____

Forenames: _____

Surname: _____

Forenames: _____

Name & address of any persons with whom the applicant is acting in concert with:

SECTION 2

Site Address: _____

Townland: _____

Site Size: _____ Hectares

Number of dwellings proposed: _____

SECTION 3

Please fill in details of legal & beneficial ownership of the land in respect of the period of 5 years preceding the application

The Proposed Site:

| Land Parcel | Name & Address | Period of Interest | | |
|-------------|----------------|--------------------|----|--|
| | | | To | |
| | | | To | |
| | | | To | |
| | | | To | |

Interest in land in the immediate vicinity (if applicable) of applicant or any persons with whom the applicant is acting in concert with during the said period

| Land Parcel / Type of Interest | Name & Address | Period of Interest | | |
|--------------------------------|----------------|--------------------|----|--|
| | | | To | |
| | | | To | |
| | | | To | |
| | | | To | |

Signed: _____

Date: _____

SECTION 4 – STATUTORY DECLARATION

I / We declare that I / We have not been granted within the period of 5 years prior to the date of the making of the application, a certificate under Section 97 of the Act which at the time of the application remains in force and

I / We declare that I / We have / have not carried out or have / have not 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 5 years prior to the date of the making of 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, maybe disregarded).

I / We declare that the information provided by me / us on this form and the attached documentation is accurate to the best of my / our knowledge and my / our ability to obtain.

I / We undersigned further declare that I / We am / are not aware of any facts or circumstances that would constitute grounds, under the terms of the Planning & Development Act 2000 – 2015, and the Planning and Development (Amendment) Act 2002, Section 97 Subsection 12, for the refusal by the Planning Authority to grant a certificate. I make this Declaration pursuant to the provisions of the statutory Declarations Act, 1938.

Applicant Signature: _____ **Date:** _____

Declared before me by _____ at _____

In the County of Sligo on _____ (date) of _____ (Month) 20 _____ (Year)

Peace Commissioner or Solicitor Signature



SLIGO COUNTY COUNCIL
Comhairle Chontae Shligigh

APPLICATION FOR EXEMPTION CERTIFICATES PURSUANT TO SECTION 97 OF THE PLANNING & DEVELOPMENT ACT, 2000.

EXPLANATORY MEMORANDUM

EXEMPTION CERTIFICATES: in respect of certain small residential developments which are excluded from the social and affordable housing provisions of Part V of the Planning & Development Act, 2000.

Section 97(3) of the Planning & Development Act 2000 states that stand alone developments involving the building of up to 4 houses or development of housing on land of 0.1 hectares or less will be exempt from the requirement to transfer lands to the local authority for social or affordable housing. To avail of this exemption, a person who wishes to obtain permission for the building of up to 4 houses or for housing development on lands of 0.1 hectares or less where either falls within the scope of Part V and the provisions of the Councils Housing Strategy will have to obtain an exemption certificate in advance of applying for planning permission to the planning authority. When applying for this certificate the person will have to swear a statutory declaration stating certain facts such as the history of the ownership of the land and whether they interests in land in the immediate vicinity to allow the authority to take a view as to whether this is a genuine application.

The purpose of the new procedure is to ensure that persons do not seek to avoid the application of the provisions of Part V of the Planning & Development Act, 2000 for example by making multiple applications for small-scale residential development.

NOTE: Applicant includes a person on whose behalf a person applies for a certificate is made by for example a person acting on behalf of a landowner in a professional capacity; information on the landowner must be included.

CONTENTS OF STATUTORY DECLARATION:

An application for a certificate shall be accompanied by a statutory declaration made by the applicant: -

- a) Giving respect of the period of 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 applicants 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.

NOTE: The Planning & Development Act states that the land which is more than 400 metres from a particular piece of other land shall not be considered to be in the vicinity of the other land.

- a) Whether the applicant or any person whom the applicant is acting in concert has been granted within the period of 5 years prior to the date of the 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 5 years prior to the date of the making of 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)
- c) 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.
- d) Giving such other information as may be prescribed.

Subsection (12) provides that an application for a certificate must be refused where the applicant or a person with whom they are acting in concert:

- a) Has been granted a certificate in respect of a development in the preceding 5 years which remains in force at the time of the application or
- b) Has carried out or has been granted permission to carry out a development of the types referred to in subsection (3) –
 - i. After 1st November 2001 (i.e. 1 year from the date of commencement of the section) and
 - ii. 5 years before the date of applying for the certificate.

On the land for which the person is now seeking a certificate or land within its immediate vicinity unless -

- i. The aggregate of the development for which a certificate is being sought and the development to which paragraph (a) or (b) relates would not exceed 4 houses, or

- ii. Where the proposed development would exceed 9 houses, the land on which it is proposed to be carried out is less than 0.1 hectares.

NOTES:

- 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 application 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.
- c) A planning authority may for the purpose of performing its functions under this section make such further inquiries, as it considers appropriate.
- d) It shall be the duty of the applicant for a certificate at all times to provide the planning authority concerned with such information as it may reasonably require to enable it to perform its functions under this section.
- e) A person is not entitled to a grant of permission purely on the basis of being granted an exemption certificate.
- f) Applicant's attention is drawn to the penalties and fines in respect of Statutory Declarations which are false or misleading and forged Exemption Certificates in Section 97 Subsection (17) to (21) inclusive.

QUESTIONS:

1. When should the application for a cert be made?

The application should be made before an application for permission is submitted to the Planning Authority.

2. What happens where a cert has not been applied for?

Applicants who submit applications for permission which are of type specified in Section 97 will be advised that these applications are invalid and that they should submit their proposals to comply with a condition under Section 96 (2) or an exemption certificate before the application for permission can be processed.