# Application Form for Certificate of Exemption pursuant to Section 97 of the Planning and Development Acts, 2000 as amended.

# SECTION 1 DETAILS OF APPLICANTS

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| **Applicant Details** |

**Title \_\_\_\_\_\_ Surname \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Forename \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**Contact Details: Phone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mobile \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Fax \_\_\_\_\_\_\_\_\_\_\_\_\_\_ E-Mail \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Name & Address of person acting on behalf of applicant (to which all correspondence will be sent unless specified by applicant)**

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**E-Mail \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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| **Company Details (if applicable ) where registered under the Companies Act 1963 – 2014** |

**Company Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Company Registration No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**Phone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Fax \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

## E-Mail \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ Mobile \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| Details of Directors |

**Surname \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Forenames \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Surname \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Forenames \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Surname \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Forenames \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Surname \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Forenames \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**SECTION 2**

**Site Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Village/Town \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Townland \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

## Site Size \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hectares

**Number of dwelling units proposed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**NOTE**: This 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 1:1,000 in built up area and 1:2,500 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).

**SECTION 3 Details of legal & beneficial ownership of the land in respect of period of 5 years proceeding the application.**

**Table 1 The proposed Site**

|  |  |  |
| --- | --- | --- |
| **Name** | **Type of Interest** | **Period of Interest** |
|  |  |  | To |  |
|  |  |  | To |  |
|  |  |  | To |  |
|  |  |  | To |  |
|  |  |  | To |  |
|  |  |  | To |  |

**Table 2 Interest in adjoining land (if applicable) of applicant or any said persons with whom the applicant is acting in concert with during the said period.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Land Parcel** | **Name & Address** | **Type of Interest** | **Parcel of Interest** |
|  |  |  |  | To |  |
|  |  |  |  | To |  |

### 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 being granted permission to carry out, a development consisting of the provision of 4 or more houses or of housing on land of 0.1 Hectares or less, within the period of 5 years prior to the date of making of the application for a certificate, on land in respect of which the certificate is being sought or land in its immediate vicinity

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 the 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 (as amended) 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 Leitrim this \_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Peace Commissioner**

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| **APPLICATION FOR EXEMPTION CERTIFICATE PURSUANT TO SECTION 97 OF THE PLANNING & DEVELOPMENT ACTS 2000 (as amended)** |

*EXPLANATORY MEMORANDUM*

Exemption Certificates may be sought in respect of certain small residential developments which are excluded from the social & affordable housing provisions of Part V of the Planning & Development Act 2000 (as amended)

Section 97 (3) of the Planning & Development Act 2000 (as amended) states that stand alone developments involving the building of up to 4 houses or development of housing on land of 0.1 hectare or less will be exempt from the provisions of Section 96 of the Act (Social and Affordable Housing). To avail of this exemption, a person(s) who wishes to apply to the Planning Authority for planning permission for the building of up to 4 houses or for housing development on lands of 0.1 hectare or less where such lands would fall within the scope of Part V and the provisions of the Council’s Housing Strategy, will have to obtain an Exemption Certificate in advance of applying for planning permission to the Planning Authority. When applying for this Exemption Certificate, the person(s) will have to swear a statutory declaration stating certain facts, such as the history of the ownership of the land and whether they have interests in land in the immediate vicinity.

The purpose of this procedure is to ensure that a person or persons do not seek to avoid application of the provisions of Part V of the Planning & Development Act 2000 (as amended)for example, by making multiple planning applications for small scale residential development.

**NOTE**

An 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 an Exemption Certificate shall be accompanied by a statutory declaration made by the applicant which includes the following:

1. Providing, with respect of the period of 5 years preceeding 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;
2. Identifying any persons with whom the applicant is acting in concert;
3. Giving particulars of

1. 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;
2. 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 Acts states that 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.

(d) (i) 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 the making of the application, a certificate under Section 97 of the Act which at the time of the application remains in force, and:

 (ii) 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 hectare 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

1. 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;
2. giving such other information as may be prescribed

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\* 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.

1. has been granted a certificate in respect of a development in the proceeding 5 years which remains in force at the time of the application, or;
2. has carried out or has been granted permission to carry out a development of the types referred to in subsection (3),
3. 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;

1. the aggregate of the development for which a certificate is being sought would not exceed 4 houses, or;
2. where the proposed development would exceed 4 houses, the land on which it is proposed to be carried out is less than 0.1 hectare.

#### NOTES

1. 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.
2. When 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.
3. A Planning Authority may, for the purpose of performing its functions under this section, make such further inquiries as it considers appropriate.
4. It shall be the duty of the applicant for an Exemption 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.
5. A person is not entitled to a grant of permission purely on the basis of being granted an Exemption Certificate.
6. Applicants 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.