

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

SECTION 1 DETAILS OF APPLICANTS

Applicant Details

Title _____ Surname _____ Forename _____

Address _____

E-Mail _____ Phone _____

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

E-Mail _____ Phone _____

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

Company Name _____

Company Registration No. _____

Address _____

E-Mail _____ Phone _____

Details of Directors of named Company

Surname _____ Forenames _____
Surname _____ Forenames _____
Surname _____ Forenames _____
Surname _____ Forenames _____

SECTION 2 DETAILS OF SITE/PROPOSED DEVELOPMENT

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 1:1000 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).

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	
		To	

Table 2 Interest in adjoining land/land in the immediate vicinity (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	
				To	
				To	
				To	

Are you aware of any facts or circumstances that would constitute grounds for refusal to grant an exemption certificate under Section 97(12) of the Planning & Development Act 2000 as amended (Y/N) _____

If yes please give details:-

.....

NOTE:- This application must be accompanied by a copy of a location map with the site clearly outlined and 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 & Development Regulations 2001 as amended.

Signed: _____ **Date:** _____

SECTION 4 STATUTORY DECLARATION

I, of

.....
declare and say as follows:-

1. I am the applicant referred to in the attached application for a Certificate of Exemption from the provisions of Part V of the Planning and Development Act 2000 as amended in respect of the property, particulars of which are set out in the First Schedule hereto ('the subject property')
2. Particulars of the legal and beneficial ownership of the subject property during the period of 5 years immediately preceding the application are as set out in the Second Schedule hereto.
3. No person or persons are acting in concert with the applicant within the meaning of Section 97 (2)(a) of the Planning and Development Act 2000 as amended.

OR

..... of is acting in concert with me and particulars of any interest which has or had at any time during the period of 5 years preceding the application in any land within 400 metres of the subject property are set out in the Third Schedule hereto.

4. I confirm that I do not have and have not had during the period of 5 years preceding the application any interest in any land within 400 metres of the subject property.

OR

- Particulars of my interest (s) in any land within 400 metres of the subject property during the period of 5 years preceding the application are as set out in the Fourth Schedule hereto.
5. I have */have not * during the period of 5 years prior to the date of the attached application been granted a Certificate of Exemption from the provisions of Part V of the Planning & Development Act 2000 as amended, which remains in force. Furthermore, I have not been granted planning permission, since the 1st November 2001 to carry out a development consisting of 4 or fewer houses or of housing on land of 0.1 hectares or less on the subject property or on land in its immediate vicinity.
 6. I am not aware of any facts or circumstances that would constitute grounds under Section 97 (12) of the Planning & Development Act 2000 as amended for the refusal by Longford County Council to grant an Exemption Certificate.
 7. I make this Declaration solemnly and conscientiously believing the facts herein to be true to the best of my knowledge, information and belief, for the benefit of Longford County Council and pursuant to the Statutory Declarations Act 1938.

FIRST SCHEDULE

(The Subject Property)

SECOND SCHEDULE

(Particulars of legal and beneficial ownership)

THIRD SCHEDULE

(Particulars of person(s) with whom Applicant is acting in concert)

FOURTH SCHEDULE

(Particulars of interest(s) in land within 400 metres of the subject property)

Applicant Signature _____

Date _____

Declared before me by _____

at _____

In the County of Longford this _____

day of _____

Commissioner of Oaths/
Practicing Solicitor

EXPLANATORY MEMORANDUM

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

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 Acts 2000 (as amended).

Section 97 (3) of the Planning & Development Acts 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 Acts 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:

- (a) 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;
- (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 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 (save that any such development carried out, or permission granted, before **1st November, 2001 may be disregarded**);
- (e) 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;
- (f) 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 (on land on which it is proposed to carry out the development or land in its immediate vicinity) in the proceeding 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) 5 years before the date of applying for the certificate
 - (ii) One year after the coming into operation of this section (after 1st November 2001, and;

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 not exceed **4 houses**, the land on which it is proposed to be carried out is less than 0.1 hectare.

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. When 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 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.
- E. A person is not entitled to a grant of permission purely on the basis of being granted an Exemption Certificate.
- F. 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.

PENALTIES AS SET OUT IN SECTION 97 (17-21 INCLUSIVE)
PLANNING AND DEVELOPMENT ACT 2000 as amended

- (17) A person who, knowingly or recklessly –
- (a) makes a statutory declaration under *subsection (5)*, or
 - (b) in purported compliance with a requirement under *subsection (6)*, provides a planning authority with information or documentation.
- that is false or misleading in a material respect, or who believes any such statutory declaration made, or information or documentation provided in purported compliance with such requirement, by him or her not to be true, shall be guilty of an offence and shall be liable:
- (i) on summary conviction to a fine not exceeding €1,904.61 or to imprisonment for a term not exceeding 6 months, or to both, or
 - (ii) on conviction on indictment to a fine not exceeding €634,869.03 imprisonment for a term not exceeding 5 years, or to both.
- (18) A person who –
- (a) forges, or utters, knowing it to be forged, a certificate purported to have been granted under this section (hereafter in this subsection referred to as a “forged certificate”).
 - (b) alters with intent to deceive or defraud, or utters, knowing it to be so altered, a certificate (hereafter in this subsection referred to as an “altered certificate”), or
 - (c) without lawful authority or other reasonable excuse, has in his or her possession a forged certificate or an altered certificate shall be guilty of an offence as detailed in 17 above.
- (19) Where a person is convicted on indictment of an offence under subsection 17 or 18, the court may in addition to any fine or term of imprisonment imposed by the court under that subsection order the payment into court by the person of an amount that in the opinion of the court is equal to the amount of any gain accruing to that person by reason of the grant of a certificate on foot of the statutory declaration, information or documentation, as the case may be, to which the offence relates, and such sum shall, when paid in accordance with such order, stand forfeited.
- (20) All sums that stand forfeited under subsection 19 shall be paid to the planning authority that granted the certificate concerned and shall be accounted for in the account referred to in section 96 (13) and be applied only for the purposes specified in that section.
- (21) Where a person is convicted of an offence under subsection 17 the court may revoke a certificate granted on foot of a statutory declaration, information or documentation to which the offence relates, upon application being made to it in that behalf by the planning authority that granted the certificate.