

**NOTES FOR PLANNING APPLICANTS ON THE CORK CITY
COUNCIL HOUSING STRATEGY 2001-2006**

**PLANNING & DEVELOPMENT ACT 2000 AS AMENDED BY
PLANNING & DEVELOPMENT (AMENDMENT) ACT 2002**

EXEMPTION CERTIFICATES

Under the terms of the Housing Strategy which was adopted by Cork City Council, all developments which are subject to the Housing Strategy and involve stand alone developments of 4 units or less or those on 0.1 hectares or less will have to apply for an exemption certificate.

An explanatory memorandum in relation to the exemption procedure is attached.

An exemption certificate application form can be obtained from the Council's planning office, City Hall, Cork or from the Council's website (www.corkcity.ie) before submitting your application.

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

- (1) **Statutory Declaration as prescribed [Section 97(5) & Article 49]**
- (2) **Site location map of sufficient size (scale not less than 1:1000) marked / coloured to identify clearly the subject land and boundaries thereof.**
- (3) **Site layout map (scale 1/500)**

**PLEASE NOTE THAT THE GRANTING OF AN EXEMPTION
CERTIFICATE DOES NOT GUARANTEE THE SUBSEQUENT
GRANTING OF PLANNING PERMISSION.**

EXEMPTION CERTIFICATE APPLICATION FORM

SECTION 1 –APPLICANT DETAILS

Applicant Details

Title Surname

Forenames

Address

.....

Contact Details: Phone Mobile

Fax E-mail

Are you acting in concert * with anyone else(Y/N) If yes give details

.....

.....

.....

.....

.....

*See Explanatory Memorandum

Company Details (if applicable)

Company Name

Company Registration No.

Address

.....

Phone Fax

Mobile E-mail

Details of Directors

Surname Forenames

Surname Forenames

Surname Forenames

Surname Forenames

Surname Forenames

SECTION 2 - DETAILS OF SITE / PROPOSED DEVELOPMENT

Site Address

.....

Townland/Parish

Site Size Hectares/Acres

Number of dwellings proposed

SECTION 3 – DETAILS OF LAND INTERESTS

Table 1 – The Proposed Site

NAME	TYPE OF INTEREST	PERIOD	OF	INTEREST
			TO	
			TO	
			TO	

Do you have any interest in any land within 400 metres from the boundary of the site which is the subject of this application(Y/N)?

If yes please give details in Table 2 below.

Table 2 – Interest in adjoining land (if applicable)

Land Parcel	
Name & Address	
Type of interest	
Period of interest (Date from / 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 (Y/N)?

If yes please give details

.....

.....

.....

N.B. PLEASE ENSURE THAT THE FOLLOWING DECLARATION AND SCHEDULES ARE FULLY COMPLETED AND THAT THE APPROPRIATE DELETIONS ARE MADE AT ITEMS 3, 4 & 5.

STATUTORY DECLARATION

**I,, OF
.....
..... AGED EIGHTEEN YEARS AND UPWARDS
DO SOLEMNLY AND SINCERELY 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 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.(a) No person or persons are acting in concert with the Applicant within the meaning of Section 97(2) (a) of the Planning & Development Act, 2000.

OR

- (b)of is acting in concert with me and particulars of any interest whichhas 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.

*** Please delete (a) or (b) above as appropriate.**

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

OR

(b) 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.

*** Please delete (a) or (b) above as appropriate.**

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, which remains in force. Furthermore, I have not been granted Planning Permission, since the 1st of 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.*

*** Please delete above as appropriate.**

6. *I am now aware of any facts or circumstances that would constitute grounds under Section 97(12) of the Planning & Development Act, 2000 for the refusal by Cork City 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 Cork City 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)

DECLARED before me by the
said..... at
..... in the City of Cork
this day of20....
and I know the Declarant.

SIGNATURE OF APPLICANT

PEACE COMMISSIONER /
PRACTISING SOLICITOR

**PLEASE ENSURE THAT THE ABOVE DECLARATION AND SCHEDULES
ARE FULLY COMPLETED AND THAT THE APPROPRIATE DELETIONS
HAVE BEEN MADE AT ITEMS 3, 4 & 5.**

**THIS SECTION TO BE COMPLETED BY THE
LOCAL AUTHORITY**

Date Received Date of expiry (4 weeks from receipt)

Date Further Information Requested

Date Further Information Received

Expiry Date (4 weeks from receipt) Determination Date

Site Size Checked	Date	Initials	Accurate: Yes/No
Comments			

Documentation Checked	Date	Initials	Accurate: Yes/No
Comments			

Certificate Granted	Certificate Refused	Granted by Default	Refused by Default*
Grounds for refusal or Default Decision			

*** NOTE: Where applicant refuses / fails to comply, within 8 weeks, with the planning authority request for further information / documentation.**

APPLICATION FOR EXEMPTION CERTIFICATES PURSUANT TO SECTION 97 OF THE PLANNING & DEVELOPMENT ACT, 2000 AS AMENDED BY SECTION 5 PLANNING & DEVELOPMENT (AMENDMENT) ACT 2002.

ARTICLES 48/49 PLANNING & DEVELOPMENT ACT 2001 AS AMENDED BY ARTICLE 3 PLANNING & DEVELOPMENT REGULATIONS 2003.

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 as amended by Section 5 Planning & Development (Amendment) Act 2002, states that stand alone developments consisting of the provision of 4 or fewer houses or 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 4 houses or less 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 either obtain and / or furnish proof of making an application for, 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 have interests in land in the immediate vicinity to allow the Local Authority to perform its functions under the Act.

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 & Part II of the Planning & Development (Amendment) Act 2002 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, in 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 applicant's knowledge or procurement,
- (b) identifying any persons with whom the applicant is acting in concert,

NOTE: Acting in Concert (Definition)

The Planning & Development Act states that 2 or more persons shall be deemed to be acting in concert if, pursuant to an agreement, arrangement or understanding, 1 of them makes an application under subsection (3) or causes such an application to be made.

- (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, or which the applicant has knowledge

NOTE: Immediate Vicinity (Definition)

The Planning & Development Act 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 that other land.

- (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.

* **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 4 houses, the land on which it is proposed to be carried out is less than 0.1 hectares.