

Application form for Certificate of Exemption from the provisions of Section 96 of the Planning and Development Act 2000-2021

Guidance Note

Under Part V of the Planning and Development Act 2000 (as amended) an applicant, before applying for planning permission in respect of the development of four or fewer housing units on land comprising 0.1ha or less in area, may apply to Cork County Council for a certificate stating that Section 96 (i.e. the requirement to provide social and/or affordable housing as part of a development) shall not apply to a grant of permission.

An exemption certification application form can be obtained from the Council's office before submitting your application and is also available through the Council's website.

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

- (a) Site location map [6" to 1 mile or (1:10,560 scale) min. A4 size or 25" or (1:2500 scale) min A3 size]
- (b) Site layout map (scale 1:500).

The applicant shall submit two copies of the Exemption Certificate application form and two copies of the site location map and site layout map and Data Protection Declaration.

Explanatory Memorandum

This Exemption Certification application is in respect to certain small residential developments which are excluded from the social and 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 four dwelling units 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 four 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 Council's Housing Strategy, will have to obtain an exemption certificate in advance of applying for planning permission. 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.

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.

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Points to Note

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. Where 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 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.
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 Subsections (17) to (21) inclusive.

Frequently Asked Questions

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

The application should be made prior to an application for planning permission.

2. For what type of development should an exemption cert be made? An application for a Part V exemption cert should be made for developments of four or less houses or development of housing on land of 0.1ha or less.

3. What is meant by the word ‘house’ in the legislation? ‘house’ means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as two or more dwellings or a flat, an apartment or other dwelling within such a building;

4. What happens where a cert has not been applied for? Applicants who submit an application for permission, which are of type specified in Section 97, will be advised that these applications are invalid.

5. Who should complete the statutory declaration? When preparing the declaration for submission within this application, Section 4 must be answered/completed by the applicant, (bearing in mind that individual circumstances differ/vary for each applicant). A peace commissioner or a practicing solicitor should then sign the completed declaration.

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Privacy and Data Protection

Personal information is collected by Cork County Council to enable the Planning Authority to process your application for planning permission. Legally the Planning Authority can process this information as it has been obtained with your consent & it is necessary in order to comply with statutory/legal obligations.

The protection of your personal data is a key priority for the Council and your data will be processed in line with the Council's Privacy Policy which is available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office.

Should you have any questions about the Council's Privacy Policy or the information that Cork County Council hold about you, please contact the Council by email to dpo@corkcoco.ie or write to the Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

The planning process is an open and public one.

In that context, all planning applications & supporting documentation submitted will be available publicly to view online and at the Planning Authority offices.

The Planning Authority publish weekly lists of planning applications received as well as weekly lists of planning decisions. This information is placed on Cork County Council's website in accordance with the policy of the Planning Authority

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Data Protection Declaration

In order for the Planning Authority to process the personal data you have provided; your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed.

Processing of your Exemption Certificate application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated

Signed (By Applicant only)	
Date	

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Section 1 – Applicant Details

1. Applicant Name & Address

2. Where the applicant is a company registered under the Companies Act please state:

Name of Company

Name(s) of Company Director(s)

Address of Company

Company Registration Number

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Section 2 – Development Details

1. Location of the Proposed Development (incl. Village/Town and Townland)

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2. Number of Dwelling Units Proposed

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3. Site Area (in hectares or square meters) on which it is proposed to carry out the development. This should correspond to the area outlined in the red on the map which accompanies this application.

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4. What is the Applicant's legal interest in the site outlined in red e.g. Owner or Consent of owner.

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5. Description of the proposed development – a brief description is sufficient

Section 3 – Site Map and Layout Plan

This application must be accompanied by the following:

- (a) a copy of a location map, scale 1:1000 in built up areas and 1:2500 in all other areas with the site clearly outlined in red and any other lands in which the applicant may have an interest clearly outlined in blue and a Statutory Declaration giving the information required under Section 97(5) of the Planning Act 2000.
- (b) Site Layout Plan at a Scale of 1:500

- I have included a Site Location Map with this application.
- I have included a Site Layout Plan with this application.

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Section 4 – Statutory Declaration

Please Note: When preparing the declaration for submission with the application, items number 1 to 9 must be answered/completed by the applicant, (bearing in mind that individual circumstances differ/vary for each applicant). A peace commissioner or a practicing solicitor should then sign the completed declaration.

I the applicant of

Name:

Address

in the County of Cork ages 18 years and upwards do solemnly declare as follows:

1. I say that I(**insert name**) _____ am the Applicant (hereafter called “Applicant”) for a Certificate pursuant to Section 97 of the Planning and Development Act 2000 (as amended) and I make this Statutory Declaration for and behalf and with the authority of the Applicant for that purpose.

2. The site, the subject of the statutory declaration, is situated at

Address

(hereinafter called “the Property”) and is shown outlined in red on the map attached.

3. I say that I purchased the Property From

Name	On Date

The property was in the ownership of

Name	From Date	To Date

(Please give details in respect of the five years preceding the application ,such particulars of 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).

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4. I say that the Applicant is not acting in concert with any person or persons.
5. I say that the Applicant has not had any interest nor has acted in concert with any person or persons that has had an interest in lands situated within 400 metres of the Property during the previous five years.
6. I say that there are no Certificates in force which have been granted within the period of five years prior to the date of making of the application for a certificate under Section 97 of the Planning and Development Act 2000 (as amended) to the Applicant, or to anyone with whom the Applicant acted in concert.
7. I say that there are no developments carried out or permission to carry out a development, granted to the Applicant or to any persons with whom the Applicant acted in concert consisting of four or fewer houses or of housing on land of 0.1 hectares or less within the period of five years prior to the date of making of the application for a certificate on the Property or on land in its immediate vicinity (disregarding any development carried out or permission granted prior to November 2001.)
8. I am not aware, nor is the Applicant aware of any facts or circumstances which would constitute grounds under Section 97(12) of the Planning and Development Act 2000 (as amended) for refusal by Cork County Council to grant the Certificate sought.
9. I make this Statutory Declaration by virtue of the provision of the Statutory Declarations Act 1938 and for the benefit of Cork County Council from facts within my own knowledge, save where otherwise appears and where so appearing I conscientiously believe the same to be true.

Declared by the said Applicant on this date _____ at

Peace Commissioner/Solicitor's Address

before me, a Peace Commissioner/Practising Solicitor and I know the Deponent

Signed by Company/Applicant
Signed Peace Commissioner/Practicing Solicitor

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SECTION 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			

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**EXEMPTION CERTIFICATE APPLICATION FORM
– CONFIDENTIAL CONTACT INFORMATION**

Contact details for Applicant:

Applicant 1		Applicant 2	
Address (Required)		Address (Required)	
Eircode		Eircode	
Telephone Number		Telephone Number	
Mobile Number		Mobile Number	
Email address		Email address	

Contact details of Company: Where Applicant is a Company registered under the Companies Acts 2014 (as amended)

Company Address	
Eircode	
Telephone Number	
Mobile Number	
Email address	

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application. These details will not be made available to any third party with the exception of An Bord Pleanala for the purpose of administering the app