

**NOTES FOR PLANNING APPLICANTS ON THE
CORK COUNTY COUNCIL HOUSING STRATEGY**

PLANNING AND DEVELOPMENT ACT 2000

EXEMPTION CERTIFICATES

Under the terms of the Housing Strategy which has been adopted by Cork County Council, all developments which are subject to the Housing Strategy and involve stand alone developments of 9 units or under or those on 0.1 hectares or less will have to apply for an exemption certificate.

Explanatory memorandum in relation to the exemption procedure is provided below.

An exemption certificate application form can be obtained from the Council's planning office before submitting your application.

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

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

Please submit 2 no. copies of your Exemption Certificate application form and 2 no. copies of site location map and site layout map and Data Protection Declaration.

CORK COUNTY COUNCIL

**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 9 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 9 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 have 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, 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,

- (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 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 1 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 9 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 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.
- 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 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.

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 S.97, will be advised that these applications are invalid and that they should submit their proposals to comply with a condition under S.96(2) or an exemption certificate before the application for permission can be processed.

Privacy & 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.

Data Protection (To be completed)

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 for the following purposes:

Processing of your Exemption Certificate application by the Planning Authority

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

<i>Signed (By Applicant Only)</i>	
Date	

EXEMPTION CERTIFICATE APPLICATION FORM

SECTION 1 – DETAILS OF APPLICANTS

Applicant Details

Applicant 1:

Title Surname..... Forenames

Applicant 2:

Title Surname..... Forenames

Company Details (if applicable)

Company Name

Company Registration No

Details of Directors

Surname Forenames

Surname Forenames

Surname Forenames

Surname Forenames

SECTION 2

Site Address

.....

Village/Town.....

Townland

Site Size Hectares

Number of dwellings proposed

SECTION 3 – DETAILS OF LAND INTERESTS

TABLE 1 – THE PROPOSED SITE

NAME	TYPE OF INTEREST	PERIOD OF INTEREST		
			To	

Table 2 – Interest in adjoining land (if applicable)

Land Parcel	Name & Address	Type of Interest	Period of Interest		
				To	
				To	
				To	

SECTION 4

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 and Development Act 2000, 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 City/County of Cork this day of 20.....

Peace Commissioner

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			

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 (1963 to 2017)

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 Pleanála for the purpose of administering the appeal.