

# NOTES FOR PLANNING APPLICANTS ON THE CORK CITY COUNCIL HOUSING STRATEGY

## PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

### 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](http://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)**

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.

Incomplete applications will be returned to the applicant.

**Please note that the granting of an exemption certificate does not guarantee the subsequent granting of planning permission.**

<b>Exemption Certificate Application Form</b> <b>Confidential Contact Information</b>
--

**This section will not be published on the internet as part of the planning file.**

**Contact details for Applicant(s):**

	Applicant 1	Applicant 2 (if applicable)
<b>Name</b>		
<b>Address &amp; Eircode</b>		
<b>Contact Number</b>		
<b>Email Address</b>		

**Contact details of Company (if applicable):**

<b>Company Name:</b>	
<b>Address &amp; Eircode</b>	
<b>Contact No.</b>	
<b>Email Address</b>	

**Person/Agent acting on behalf of the Applicant (if any):**

<b>Name:</b>				
<b>Address:</b>				
<b>Telephone:</b>				
<b>E-mail address:</b>				
<b>Should all correspondence be sent to the above address?</b> (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

# Exemption Certificate Application Form

**Please Answer ALL Questions**

## DATA PROTECTION

“Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protections policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>.

We request that you read these as they contain important information about how we process personal data.

## Section 1 – Applicant(s) Details

Table 1.1	Applicant 1	Applicant 2 (if applicable)
Full Name		

**1.2 Are you acting in concert \* with anyone else? Yes / No** (delete as appropriate). If yes give details

*\*See Explanatory Memorandum*

**1.3 Company Details (if applicable)**

Company Name	
Registration No.	
Address	
Directors Names	

**Section 2 - Details of Site / Proposed Development**

Site Address	
Site Size in Hectares	
No. of Proposed Dwellings	

**Section 3 – Details of Land Interests**

**3.1 The Proposed Site**

Name	Type of Interest	Period of Interest		
			To	
			To	
			To	
			To	

**3.2 Do you have any interest in any land within 400 metres from the boundary of the site which is the subject of this application? Yes / No (delete as appropriate). If yes, please give details below in 3.3:**

**3.3 Interest in adjoining land (if applicable)**

Land Parcel & Land Address	
Name & Address	
Type of interest	
Period of interest (Date from / to)	

**3.4 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? Yes / No (delete as appropriate). If yes, please give details:**

Please ensure that the following declaration is fully completed and that the appropriate deletions are made at items 1, 2 & 3.

**STATUTORY DECLARATION**

I/we, ....., OF  
.....

..... AGED EIGHTEEN YEARS AND  
UPWARDS DO SOLEMNLY AND SINCERELY DECLARE AND SAY AS FOLLOWS:

1.(a) No person or persons are acting in concert with the Applicant(s) within the meaning of Section 97(2) (a) of the Planning & Development Act, 2000 (as amended).

OR

(b) .....of .....  
..... is acting in concert with me/us 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 Section 3 of the Application Form

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

2.(a) I/we confirm that I/we 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/our 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 Section 3 of the Application Form.

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



**APPLICATION FOR EXEMPTION CERTIFICATES PURSUANT TO SECTION 97 OF THE  
PLANNING & DEVELOPMENT ACT, 2000 (AS AMENDED)**

**ARTICLES 48/49 PLANNING & DEVELOPMENT ACT 2001 (AS AMENDED)**

**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 (as amended).

*Section 97(3)* of the Planning & Development Act, 2000 (as amended) 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 (as amended) for example, by making multiple applications for small scale residential development.

## 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 1<sup>st</sup> 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.