



Comhairle Contae
Ros Comáin
Roscommon
County Council

Comhairle Chontae
Ros Comáin
Áras an chontae
Roscommon
F42 VR98

***APPLICATION FOR A CERTIFICATE OF EXEMPTION FROM THE PROVISIONS OF
SECTION 96 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED).***

Statutory Declaration to be completed by applicant:

NAME: _____

ADDRESS: _____

LOCATION OF DEVELOPMENT: _____

SIZE OF SITE: _____

NUMBER OF HOUSING UNITS BEING PROVIDED: _____

- a) Give 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 your knowledge or procurement.

- b) Identify any person with whom you are acting in concert.

c) Give particulars of:

- I. any interest that you have or had at any time during the said period, in any land in the immediate vicinity of the land (i.e. within 400m of the land) on which it is proposed to carry out such development, and
- II. any interest that any person with whom you are acting in concert has, or had at any time during the said period, in any land in the said immediate vicinity, of which you have knowledge.

d) State that you are 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 (see below).

(12) A planning authority shall not grant a certificate in relation to a development if the applicant for such certificate, or any person with whom the applicant is acting in concert-

- a) has been granted, not earlier than 5 years before the date of the application, a certificate in respect of a development, and the certificate at the time of the application remains in force, or
- b) has carried out, or has been granted permission to carry out, a development referred to in *subsection (3)**, not earlier than-
 - i. 5 years before the date of the application, and
 - ii. one year after the coming into operation of this section.

in respect of the land on which it is proposed to carry out the first-mentioned development, or land in its immediate vicinity, unless-

- (i) the aggregate of any development to which *paragraph (a) or (b)* relates and the first-mentioned development would not, if carried out, exceed 4 houses, or

(ii) (in circumstances where the said aggregate would exceed 4 houses) the aggregate of the land on which any development to which *paragraph (a) or (b)* relates, and the land on which it is proposed to carry out the first-mentioned development, does not exceed 0.1 hectares.

* (3) (a) consisting of the provision of 4 or fewer houses, or
(b) for housing on land of 0.1 hectares or less.

Note the following:

1. The 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 (1) above, 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 enquiries, 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.

SIGNED: _____
APPLICANT

DATE: _____

WITNESSED BY: _____
COMMISSIONER FOR OATHS

DATE: _____

NUMBER OF ATTACHMENTS:
(PLEASE NUMBER AND INITIAL ALL ATTACHMENTS)

ADDITIONAL INFORMATION REQUIRED FOR THE IMPLEMENTATION OF PART V OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED).

1. Is the proposed development on land zoned for housing or mixed use under the current Development Plan?
2. If yes, does the proposed development consist of 4 or fewer housing units or for housing on land of 0.1 hectares or less? If so, the applicant is advised to apply to the Planning Authority for a Certificate of Exemption stating that Section 96 shall not apply to a grant of permission in respect of the development. An application for a certificate is attached.

Note: *The granting of an exemption certificate does not imply that a planning permission will be granted for the proposed development (Section 97(2)).*

3. If the proposed development is on land zoned for housing or mixed use and consists of more than 4 housing units, the applicant must submit proposal to the Planning Authority when making the application on how he/she will meet the requirements of Part V of the Planning & Development Act 2000 (As Amended). **It is advised that discussions in respect of this be carried out at pre-planning meetings. The applicant should arrange for such a meeting through the planning office.**