



Cavan County Council

**APPLICATION FOR A CERTIFICATE OF EXEMPTION FROM SECTION 96 OF
THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED BY THE
PLANNING AND DEVELOPMENT (AMENDMENT) ACTS 2002 – 2021, AS
AMENDED BY THE AFFORDABLE HOUSING ACT 2021**

1. Planning Application Reference No: _____

2. Applicant's Name and Address: _____

Tel. No: _____

E-mail Address (if any): _____

3. Name and Address of Person acting on behalf of applicant:

Tel. No: _____

E-mail Address (if any): _____

4. Name and Address to which correspondence is to be sent:

5. Where the applicant is a Company registered under the Companies Acts

1963 – 1999, state the name of the Company Directors and the address and

Registration Number of the Company: _____

6. Name and Address of Landowner: _____

7. Description of proposed development: _____

8. Location, Townland or Postal Address (as may be appropriate) of the proposed development: _____

9. State number of dwellings or accommodation units to be provided:

10. Area of land to which this application relates: _____

11. Is the applicant aware of any facts or circumstances that would constitute grounds under sub-section 12 of Section 97 of the Planning and Development Act, 2000? _____

I, _____ being the applicant/agent acting on behalf of the applicant, make an application to Cavan County Council for a Certificate stating that Section 96 of the Planning & Development Act 2000 does not apply to the application for planning permission/ approval which has been/ is being lodged with Cavan County Council. The Certificate of Exemption is being applied for on the basis that (tick box as appropriate):-

- Development consisting of the provision of 4 or fewer houses,
- Development for housing on land of 0.1 hectares or

less. Signature:

_____ Date:

Note:

This application must be accompanied by a copy of a **location map** with the site clearly outlined and a **Statutory Declaration** giving the information required under Section 97(5) of the Planning & Development Act, 2000 and Article 49 of the Planning & Development Regulations 2001, as amended.

A Statutory Declaration is a written declaration of facts which must be sworn before a Commissioner of Oaths, a notary public or a Peace Commissioner.

A Copy of Section 97(5) of the Planning & Development Act, 2000 and article 49 of the Planning & Development Regulations are attached overleaf.

Section 97 (5) of the Planning & Development Act, 2000

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,
- (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.

Article 49 of the Planning & Development Regulations 2001

In addition to the requirements of section 97(5) of the Act, an applicant for a certificate under that section shall state in the statutory declaration made by the applicant to accompany the application—

(a) whether the applicant, or any person with whom the applicant is acting in concert, has been granted, within the period of 5 years prior to the date of making of the application, a certificate under section 97 of the Act which at the time of the application remains in force, and

(b) whether the applicant, or any person with whom the applicant is acting in concert, has carried out, or has been granted permission to carry out, a development consisting of the provision of 4 or fewer houses or of housing on land of 0.1 hectares or less, within the period of 5 years prior to the date of making of the application for a certificate, on land in respect of which the certificate is being sought or land in its immediate vicinity (save that any such development carried out, or permission granted, before 1 November 2001 may be disregarded).

STATUTORY DECLARATION UNDER SECTION 97(5) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) AND SECTION 49 (A & B) OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED).

I/We _____ aged 18 years and upwards do solemnly and sincerely declare as follows:

1. The property to which this declaration relates is _____
2. I/We declare that I/We have not been granted, within the period of five years prior to the date of making the application, a certificate under Section 97 of the Act which, at the time of the application, remains in force.
3. I/We declare that I/we have not carried out or been granted permission to carry out a development consisting of the provision of 4 or fewer houses or of housing on land of 0.1 hectares or less, within the period of five years prior to making the application for a certificate on land in respect of which this certificate is being sought or lands in its immediate vicinity (save that any such development carried out or permission granted before 1st November 2001 may be disregarded).
4. I/We declare that the information provided by me/us on this form and on the attached documentation is accurate to the best of my/our knowledge and 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 (as amended) and any Regulations made thereunder, for the refusal by the Planning Authority to grant a certificate.

Signed (Peace Commissioner): _____

Date: _____

Declared before me by _____ (applicant) in the

County of _____ this _____ day of _____ 20____.