

## **SOUTH DUBLIN COUNTY COUNCIL**



### **SECTION 97 APPLICATION FOR CERTIFICATE OF EXEMPTION FROM THE PROVISIONS OF SECTION 96 (i.e. Social/Affordable Housing) OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended) AND SECTION 36 OF THE URBAN REGENERATION AND HOUSING ACT 2015.**

**Land Use, Economic and Transport Planning Department, County Hall,  
Tallaght, Dublin 24**

**Telephone: 01 4149000      Fax: 01 4149104      Email: planning.dept@sdublincoco.ie**

**In accordance with the provisions of Section 97 (3) of the Planning and Development Act, 2000 (as amended) an application for a Certificate of Exemption should be lodged before an application for planning permission is submitted.**

**STANDARD APPLICATION FORM & ACCOMPANYING DOCUMENTATION:**  
**Please read directions & documentation requirements at back of form before completion.**

**All questions relevant to the proposal being applied for must be answered.**

**Non-relevant questions: Please mark N/A**

***Please ensure all necessary documentation is attached to your application form.***

#### **DATA PROTECTION**

***The publication of applications by planning authorities may lead to applicants being targeted by persons engaged in direct marketing. In response to a request from the Data Protection Commissioner, you are given an opportunity to indicate a preference with regard to the receipt of direct marketing arising from the lodging of this application.***

***If you are satisfied to receive direct marketing please tick this box.***

***It is the responsibility of those wishing to use the personal data on applications for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 & 2003 taking account of the preference outlined above.***

**1. APPLICANT NAME:**

|   |
|---|
| _____<br>_____  |
| <i>Address To be supplied at end of this application form - <b>Question 9</b></i> |

**2. PERSON ACTING ON BEHALF OF THE APPLICANT (IF ANY):**

|  |
|--|
| _____<br>_____   |
| <i>Address To be supplied at end of this application form - <b>Question 10</b></i> |

**3. LOCATION (TOWNLAND OR POSTAL ADDRESS AS APPROPRIATE) OF PROPOSED DEVELOPMENT:**

|   |
|---|
| _____<br>_____  |
| <b>NOTE: 2 COPIES OF SITE LOCATION MAP WITH SITE CLEARLY OUTLINED IN RED MUST BE SUBMITTED (SCALE OF NOT LESS THAN 1:1000 IN BUILT UP AREAS AND 1:2500 IN ALL OTHER AREAS).</b> |

**4. DESCRIPTION OF PROPOSED DEVELOPMENT:**

|                |
|----------------|
| _____<br>_____ |
|----------------|

**5. NUMBER OF DWELLING UNITS PROPOSED:**

|                |
|----------------|
| _____<br>_____ |
|----------------|

**6. SITE AREA (hectares):**

|       |
|-------|
| _____ |
|-------|

**7. APPLICANTS INTEREST IN SITE:**

|       |
|-------|
| _____ |
|-------|

**8. DETAILS OF ALL S.97 CERTIFICATES, DEVELOPMENTS  
CARRIED OUT OR GRANTS OF PLANNING PERMISSION FOR  
DEVELOPMENTS IN RELATION TO LANDS INVOLVED IN THIS  
APPLICATION OR THE LANDS IN THE IMMEDIATE VICINITY AS  
REFERRED TO IN SECTION 97 (12) OF THE PLANNING AND  
DEVELOPMENT ACT, 2000 (as amended):**

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(If necessary please attach separate schedule of such details)

|   |  |
|---|--|
| <i>Signed<br/>(Applicant or Agent as<br/>appropriate)</i> |  |
| Date:   |  |

**FOR OFFICE USE ONLY**

Date Received\_\_\_\_\_

Register Reference\_\_\_\_\_

O.S.I. Map Reference\_\_\_\_\_

**ADDITIONAL CONTACT INFORMATION****IMPORTANT**

**THIS PAGE MUST BE SUBMITTED ON A COMPLETELY SEPARATE  
PAGE AS IT WILL NOT FORM PART OF THE PUBLIC FILE**

**OFFICE USE ONLY – REG. Ref:****Please note:**

- The applicant's address **must** be submitted on this page.
- If the applicant/agent wishes to submit additional contact information, this may be included here.
- This page will not be published as part of the file.

**9. APPLICANT (not agent acting on behalf of applicant)**

|                           |  |
|---------------------------|--|
| <i>Address (Required)</i> |  |
| <i>Telephone No.</i>      |  |
| <i>Fax No</i>             |  |
| <i>Email Address</i>      |  |

**Where the applicant is a company registered under the Companies Acts 1963 to 1999, please state:**

|                                 |  |
|---------------------------------|--|
| (a) Name of Company             |  |
| (b) Names of Company Directors: |  |
| (c) Address of Company:         |  |
| (d) Registration No.            |  |

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

|                               |  |
|-------------------------------|--|
| <i>Address (Required)</i>     |  |
| <i>Telephone No.</i>          |  |
| <i>Email Address (if any)</i> |  |
| <i>Fax No. (if any)</i>       |  |

**Should all correspondence be sent to the above address? (Please tick appropriate box)**

(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address stated in Question 9.)

Yes [ ]                          No [ ]

**PLEASE READ PRIOR TO SUBMITTING AN APPLICATION**  
**AND *DETACH* FROM APPLICATION FORM**

- 1. Have you answered *all* questions on the application form/have you used the correct application form - check that all relevant pages of the application form are included.**
- 2. Have you completed the Additional Contact Information section (N.B. ensure that this page is submitted with the application form)?**

**NOTES:**

In accordance with the provisions of Section 97 (3) of the Planning and Development Act, 2000 (as amended) an application for a Certificate of Exemption should be lodged **before** an application for planning permission is submitted.

This application must be accompanied by a Statutory Declaration giving the information required under Section 97 (5) of the Planning and Development Act, 2000 (as amended) and Article 49 of the Planning and Development Regulations 2001 (as amended).

The applicant shall comply fully with the requirements of S.97 of the Planning and Development Act, 2000 (as amended) and Articles 48 and 49 of the Planning and Development Regulations, 2001 (as amended) in the making of this application for a Certificate of Exemption.

Copies of S.97 of the Planning and Development Act, 2000 (as amended) and Articles 48 and 49 of the Planning and Development Regulations, 2001 (as amended) are attached for information.

## **PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

(5) 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.

(6) (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.

(7) A planning authority may, for the purpose of performing its functions under this section, make such further inquiries as it considers appropriate.

(8) 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.

(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 9 houses, or (II) (in circumstances where the said aggregate would exceed 9 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 0.2 hectares.

## **PLANNING AND DEVELOPMENT REGULATIONS 2001 (as amended)**

### **Article 48**

- (1) An application for a certificate under Section 97 of the Act shall—
- (a) state the name and address, and telephone number and e-mail address if any, of the applicant and of the person, if any, acting on behalf of the applicant,
  - (b) where the applicant is a company registered under the Companies Acts, 1963 to 1999, state the names of the company directors and the address and registration number of the company,
  - (c) state the location, townland or postal address (as may be appropriate) of the land in respect of which it is intended to apply for permission,
  - (d) indicate the number of houses for which it is intended to apply for permission, and
  - (e) indicate the area of the land in respect of which it is intended to apply for permission.
- (2) An application under sub-article (1) shall be accompanied by a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the land to which the application relates, to a scale of not less than 1:1000 in built up areas and 1:1250 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land to which the application relates and the boundaries thereof.

### **Article 49.**

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 9 or fewer houses or of housing on land of 0.2 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).