

What should I know about the Housing Strategy and Certificates of Exemption?

Part V of the Planning and Development Act 2000 as amended applies only on appropriately zoned land identified in the Offaly County Council Development Plan, Tullamore and Environs Development Plan, Birr and Environs Development Plan, and other Town / Village / Local Area Plans. Appropriately zoned land is land that has been zoned solely for residential purposes or zoned for a mix of residential and other uses. Offaly County Council shall require as a condition of a grant of permission that the applicant, where appropriate enter into an agreement with the local authority to have a percentage of

- Completed dwellings on the site the subject of the application or
- Fully or partially serviced sites, or a portion of the site, on the site the subject of the application or
- Completed dwellings, serviced sites or other lands at another location with the functional area of the Planning Authority or
- A payment of such an amount as specified in the agreement or
- A combination of doing 2 or more of the requirements already mentioned.

It is the policy of Offaly Local Authorities as set out in the Housing Strategy, that 20% of land zoned for residential use, or for a mixture of residential and other uses, shall be reserved for the provision of housing for social and affordable purposes (see Part V Proposal Form).

For further information on Part V, see document 'Offaly Local Authorities, Guidelines for the Implementation of Part V of the Planning and Development Act 2000 as amended by the Planning and Development amendment Act 2002'.

The Department of the Environment, Heritage and Local Government introduced exemption certificates to prevent the requirements of Part V of the Planning & Development Act, 2000 as amended, being inappropriately applied to small-scale developments and also seeks to prevent the avoidance of Part V requirements.

A person may apply for a Certificate of Exemption from the provision of Section 96 of the Planning & Development Act, 2000 in respect of a development consisting of 4 or fewer houses, or, for the housing on land of 0.1 hectares or less.

If an applicant(s), or any person(s) with whom the applicant(s) is acting in concert, applies for an exemption certificate and has been granted a certificate during the preceding 5 years and that certificate is still in force, within 400 metres of the land to which the certificate of exemption relates, the planning authority must refuse their subsequent application for an exemption certificate unless the total of the dwellings developed on the two sites is four or fewer, or the combined area of the sites is less than 0.1 hectares. Furthermore, the applicant (s), or any person(s) with whom the applicant(s) is acting in concert, must be refused if he / she has carried out or has been granted permission to carry out, a development consisting of the provision of 4 or fewer units or housing on land of 0.1 hectares or less, within 5 years before the date of the application, on land within 400 metres to which the application for an exemption certificate relates.

An appeal against a decision of the Planning Authority to refuse to issue a certificate should be in accordance with section 97 (14) (a) of the Planning and Development Act 2000 as amended and should be made to the Circuit Court not later than 3 years from the date on which the applicant received notification of the refusal or such later date as may be permitted by the Court.

An application for a certificate of exemption should be made before a planning application for permission is submitted.