

## **SECTION 47 AGREEMENT – OCCUPANCY CONDITION**

**THIS AGREEMENT** is made on the \_\_\_\_\_ day of \_\_\_\_\_ between \_\_\_\_\_ (hereinafter called “the applicant”) of the one part and Sligo County Council of Riverside, Sligo (hereinafter called “the Planning Authority”) of the other part.

### **Whereas**

- (1) The Planning Authority has decided to grant a Planning Permission (Reference PL No. \_\_\_\_\_) in respect of a development at \_\_\_\_\_, subject inter alia to an occupancy condition.
- (2) Having regard to the proper planning and sustainable development of the area, and the policies of the Development Plan for the County of Sligo 2005-2011 with regard to housing in the rural area, the Planning Authority has considered that it is necessary to restrict and regulate the development as hereinafter appears by way of agreement pursuant to Section 47 of the Planning and Development Act, 2000.

**NOW THIS AGREEMENT WITNESSETH** that in accordance with the said Section 47 of the Planning and Development Act, 2000 the Planning Authority and the Applicant hereby mutually agree as follows:

1. The proposed dwelling when completed shall be first occupied as the place of residence of the applicant, members of the applicant’s immediate family or their heirs and shall remain so occupied for a period of seven years thereafter, unless consent is granted by the Planning Authority for its occupation by other persons who belong to the same category of housing need as the applicant.
2. The applicant hereby assents to the registration of this agreement as a burden on the property described in the schedule hereto and for this purpose the applicant hereby undertakes with the Council that immediately following the execution of this agreement by the parties hereto the applicant will secure registration of the said burden in the land registry.
3. This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.

4. The Sligo County Council as a party to this Agreement will grant permission to another person to occupy the house in accordance with Paragraph 1 on the basis of reasonable circumstances, befalling the applicant, which will be independently authenticated by an acceptable person or body.

**PROVIDED THAT** this Agreement shall come into force only on the granting of the said application for Planning Permission.

Signed, Sealed and Delivered by the said \_\_\_\_\_

in the presence of : \_\_\_\_\_

The seal of THE COUNCIL OF THE COUNTY OF SLIGO was affixed hereto by the County Manager or delegated Director (or such person acting in that position) pursuant to the provisions of (Section 149) Local Government Act 2001 and Authenticated by the Cathaoirleach or an employee of the Council in accordance with Section 11(8) of the Local Government Act 2001.

\_\_\_\_\_  
**Cathaoirleach/Nominated Officer**

\_\_\_\_\_  
**Director of Services**

\_\_\_\_\_  
**Date**