##### AGREEMENT PURSUANT TO SECTION 47 OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

**(OCCUPANCY)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**MEMORANDUM OF AGREEMENT** made the day of \_\_\_\_\_\_\_\_\_\_\_\_\_ 2019 between the Landowner referred to in the Schedule hereto (hereinafter called “the Landowner” which expression shall include the Landowners Executors, Administrators, Successors and Assigns to the intent that this Agreement shall be binding on all of them) of the one part and MEATH COUNTY COUNCIL of Buvinda House, Dublin Road, Navan in the County of Meath Planning Authority for the County of Meath (hereinafter called “the Council”) of the other part WHEREAS:

1. The Council has granted the Planning Permission referred to in the Schedule hereto (hereinafter called “the Permission”) for the construction of a Dwellinghouse (hereinafter called “the Development”) on the lands shown on the attached Map and described in the Schedule hereto subject to inter alia a condition (hereinafter called “the relevant Planning Condition”) that the Landowner enters into a formal agreement pursuant to Section 47 of the (Planning & Development Act 2000 formerly Section 38 of the Local Government Planning & Development Act 1963) providing for the occupation of the Dwelling houses the subject of the Development for a period of seven years from the date of first occupation (which date is to be agreed in writing with the Planning Authority).
2. The Landowner has agreed to enter into these Presents for the purposes of complying with the aforesaid Condition.

NOW THIS AGREEMENT WITNESSETH:

1. That in consideration of the Council granting Permission the Landowner hereby COVENANTS AGREES AND UNDERTAKES (where the Landowner consists of more than one person hereby jointly and severally COVENANT AGREE AND UNDERTAKE) with the Council that the Dwellinghouse the subject of the Development shall be occupied by the Landowner as his/her/their principal private residence for a period of seven years from the date of first occupation thereof.
2. The Landowner shall notify the Council when the Development is completed and the Dwellinghouse ready for occupation and shall agree in writing with the Council the date of first occupation from which the aforesaid seven year period shall run.
3. The Council shall be entitled at anytime during the said Seven Year Period, should they consider it appropriate, to register this Agreement as a burden on such Folio as may be opened in the Land Registry in respect of the Landowners property and the Landowner hereby assents to the registration of the said Agreement as a burden on the said Folio and undertakes to make available his Land Certificate to facilitate such registration.
4. This Agreement is binding on the Landowner and his/her/their successors in title for the duration of the said Seven Year period and thereafter shall cease to have effect.
5. This condition shall not affect the sale of the dwelling by a mortgagee in possession, or the occupation of the dwelling by any person deriving title from such a sale.

IN WITNESS whereof the Parties have hereunto set their hands and affixed their seals the day and year first herein WRITTEN.

1. The Landowner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. The address of the lands on which the Development is to be constructed:

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Planning Permission Reference: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Planning Condition No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed by the Landowner : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witnessed by : ­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(person not related)

Member of Meath County Council:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Director of Services Planning & Development

Pursuant to a Delegation Order under

Section 154 of the Local Government Act 2001

as amended by Local Government Reform Act 2014:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sealed: