



APPLICATION TO MODIFY OR DISCHARGE A PLANNING AGREEMENT

Guidance Notes for Applicants

Introduction

Article 40A of the Planning (Northern Ireland) Order 1991 provides that a planning agreement may be modified or discharged by agreement between the parties at the end of the period of five years, beginning with the date the agreement was entered into.

After the expiry of five years, an application for modification or discharge can be made. The Department upon receipt of such an application, will either decide that the planning agreement should continue to have effect without modification, discharge the agreement, or modify the agreement.

Where the Department has failed to respond to an application within the appropriate time limits or has refused to modify or discharge an agreement, there is a right of appeal to the Planning Appeals Commission

This form is to be used for the modification or discharge of a Planning Agreement made under Article 40 of the Planning (Northern Ireland) Order 1991. The following guidance notes are in the same order as the questions on the form.

1. Applicant/Agent Details

The applicant is the name of the person for who the application is being made. If you are using an agent to submit this application all future correspondence will be with him/her

2. Type of application

Please tick the relevant box and give exact details of your interest in the land.

3. Details of Agreement to be modified or discharged

Please complete as fully as possible, giving sufficient information to allow the Department to identify the existing Agreement

4. Reasons for applying for modification/discharge of the Agreement

Section (a) should only be completed were the application relates to modification of an agreement. Full detail of the modifications that are being applied for should be given. You should note that the Department can only consider and approve the modifications as stated in the application form.

Reasons for applying for either modification or discharge of an agreement should be given in full in section (b) - continue on a separate sheet if necessary.

5. Requirements

To avoid any delay in processing your application, please make sure that the form is properly completed and signed. Photocopies are acceptable as long as they are clear. The application must be accompanied by 6 copies of a site location map showing the land to which the agreement relates edged in red.

6. Declaration

Please ensure the application forms are signed and dated.



Certificate of Compliance

The applicant is required to give notice of the application to any other person against whom, on the day 21 days before the date of this application, the agreement is enforceable. You must take reasonable steps to find out the name and address of such person(s).

Where the names and addresses of all such persons are not known the applicant must, during the 21 day period immediately preceding this application, publish a notice in the newspaper. The form and content of the notice to be published in the paper or served on the person(s) mentioned above is prescribed in Part 1 of the Schedule to the Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2005.

Council Consultation

On receipt of an application to modify or discharge a planning agreement, Planning Service is required by legislation to consult with the local district council for the area. Details of your application will be forwarded to Council and they are given 4 weeks within which to comment. No recommendation can be made by Planning Service until this 4 weeks consultation period has expired.



APPLICATION TO MODIFY OR DISCHARGE A PLANNING AGREEMENT

This form is to be used only for the modification or discharge of a Planning Agreement made under Article 40 of the Planning (Northern Ireland) Order 1991.

Read the accompanying notes to help you complete this form

Please Complete in BLOCK LETTERS

Official Use
Application No
.....
Receipt No
.....

1. Applicant/Agent Details

(a)
Applicant's name

Address

Postcode

Tel No

(b)
Agent's Name

Address

Postcode

Tel No

2. Type of application

- (a)
- Are you applying to **modify** a planning agreement
 - Are you applying to **discharge** a planning agreement

please tick

(b) Nature of the applicant's interest in the land

3. Details of Agreement to be modified or discharged

(a) Address or location of the land to which the Agreement relates



(b) Date on which Agreement was entered into

(c) Planning application reference

(d) Description of Agreement

5. Reasons for applying for modification / discharge of the Agreement

(a) Please state the clauses you wish to be modified (application for modification of only)

(b) Reasons for applying for modification/discharge of the agreement



5. Requirements

- ◆ 4 copies of this form, all duly signed and dated. Photocopies of the original are acceptable.
- ◆ 4 copies of a location plan to 1/2500 or 1/1250 scale, clearly identifying the land to which the agreement relates
- ◆ 4 copies of such other plans/drawings/submissions necessary to describe or illustrate the reasons for the request to modify or discharge the Agreement.
- ◆ 4 copies of the attached Certificate of Compliance fully completed.

6. Declaration

I/We apply to modify/discharge a Planning Agreement made under Article 40 of the Planning (Northern Ireland) Order 1991.

Signed

Date

On behalf of

Send your completed applications and correct fee to the appropriate Divisional Planning Offices

Ballymena
County Hall
182 Galgorm Road
Ballymena
Co Antrim
BT42 1QF
Tel. (028) 2565 3333

Belfast
Bedford House
16-22 Bedford Street
Belfast
BT2 7FD
Tel. (028) 9025 2800

Craigavon
Marlborough House
Central Way
Craigavon
Co Armagh
BT64 1 AD
Tel. (028) 3834 1144

Coleraine
County Hall
Castlerock Road
Coleraine
Co Londonderry
BT51 3HS
Tel. (028) 7034 1300

Northern
Orchard House
40 Foyle Street
Londonderry
BT48 6AT
Tel. (028) 7131 9900

Downpatrick
Rathkeltair House
Market Street
Downpatrick
Co Down
BT30 6EJ
Tel. (028) 4461 2211

Enniskillen
County Buildings
15 East Bridge Street
Enniskillen
BT74 7BW
Tel. (028) 6634 6555

Omagh
County Hall
Mountjoy Road
Omagh
Co Tyrone
BT79 7AE
Tel. (028) 8225 4000



CERTIFICATE OF COMPLIANCE

with the notification requirements set out in Regulation 3 of the Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2005.

Certificate A

I certify that on the day 21 days before the date of the accompanying application the planning agreement to which the application relates was enforceable against no person other than the applicant.

Signature of applicant or agent

Date.....

Certificate B

I certify that the applicant has given notice to each person against whom, on the day 21 days before the date of the accompanying application, the planning agreement to which the application relates was enforceable as listed below.

Person on whom notice was served

Address at which notice was served

Date on which notice was served

--

Signature of applicant or agent

Date.....

Certificate C

I certify that:

- the applicant cannot issue a Certificate A or B in respect of the accompanying application;
- ** the applicant has given notice to the persons listed below, being persons against whom, on the day 21 days before the date of the application, the planning agreement to which the application relates was enforceable

Person on whom notice was served

Address at which notice was served

Date on which notice was served

--



- The applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the day 21 days before the date of the application, the planning agreement to which the application relates was enforceable and who has not been given notice of the application but has been unable to do so. The steps taken were as follows :

(insert description of steps taken)

- Notice of the application as attached to this certificate, has been published in the

(newspaper)

on

(date of publication)

**** Delete as appropriate**

Signature of applicant or agent

Date.....