STATUTORY RULES OF NORTHERN IRELAND

2015 No. 187

PLANNING

The Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2015

Made - - - -	*26th March 2015*
Coming into operation	*22nd April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by sections 77(8) and (10), 78(3) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2015 and shall come into operation on 22nd April 2015.

(2) In these Regulations:

"the 2011 Act" means the Planning Act (Northern Ireland) 2011 and any references to sections are references to sections of that Act unless otherwise stated; and

"relevant authority" has the same meaning as in section 76(15) of the 2011 Act.

Applications for the modification and discharge of planning agreements

2.—(1) An application for the modification or discharge of a planning agreement shall be made on a form issued by the relevant authority, which shall require the following information—

(a) the name and address of the applicant;

(b) the address or location of the land to which the application relates and the nature of the applicant's estate in that land;

(c) sufficient information to enable the relevant authority to identify the planning agreement which the applicant wishes to have modified or discharged;

(d) the applicant's reasons for applying for the modification or discharge of that agreement; and

(e) such other information as the relevant authority considers necessary to enable it to determine the application.

(**1**) 2011 c.25 (N.I.)

(2) An application for the modification or discharge of a planning agreement shall include—

(a) the information required by the application form;

(b) a map identifying the land to which the agreement relates; and

(c) such other information as the applicant considers relevant to the determination of the application.

Notification of applications by applicant

3.—(1) An applicant for the modification or discharge of a planning agreement shall give notice of the application to any person (other than the applicant) against whom, on the day 21 days before the date of the application, the planning agreement is enforceable and whose name and address is known to the applicant.

(2) In order to comply with paragraph (1), the applicant shall take reasonable steps to ascertain the name and address of every such person.

(3) Where the names and addresses of all such persons are not known to the applicant after the applicant has taken reasonable steps to ascertain that information, that person shall, during the 21 day period immediately preceding the application, publish notice of the application in at least one newspaper circulating in the locality in which the land to which the application relates is situated.

(4) The notice required to be served or published by this regulation shall be in the form set out in Part 1 of Schedule 1 and shall invite representations on the application to be made to the relevant authority within 21 days of the date on which the notice is served or published, as the case may be.

(5) An application for the modification or discharge of a planning agreement shall be accompanied by a certificate, in the form set out in Part 2 of Schedule 1, certifying that the requirements in the preceding provisions of this regulation have been satisfied.

Publicity for applications

4.—(1) Where an application for the modification or discharge of a planning agreement is made to the relevant authority, the relevant authority shall publicise the application by—

(a) publishing notice of the application in at least one newspaper circulating in the locality in which the land to which the application relates is situated; and

(b) where it maintains a website for the purpose of advertisement of applications, by publication of the notice on the website.

(2) The notice published in accordance with paragraph (1) shall invite representations on the application to be made to the relevant authority within 4 weeks of the date on which the notice is first published in a newspaper in pursuance of sub-paragraph (a) or is first published on the website, whichever is the later.

(3) The relevant authority shall make a copy of the application and the relevant part of the instrument by which the planning agreement was entered into available for inspection during the period allowed for making representations under paragraph (2).

Determination of applications by relevant authority

5.—(1) The relevant authority shall not determine an application for the modification or discharge of a planning agreement before the expiry of the period provided for making representations in accordance with regulation 4(2).

(2) Subject to paragraph (1) the relevant authority shall give the applicant written notice of its determination within—

(a) 16 weeks from the date on which the application is received; or

(b) except where the applicant has already given notice of appeal to the planning appeals commission, such extended period as may be agreed upon in writing between the applicant and the relevant authority.

(3) Where the relevant authority determines that a planning agreement shall continue to have effect without modification, notice of that determination shall state the full reasons for the determination and include a statement to the effect that the applicant may appeal to the planning appeals commission against the determination within 4 months of the date of the notice.

Appeals to the planning appeals commission

6.—(1) An appeal under section 78 of the 2011 Act shall be made within 4 months of—

(a) the date of the notice of the determination giving rise to the appeal; or

(b) in the case of an appeal under section 78(1)(a) (non-determination), the expiry of the period specified in regulation 5(2).

Transitional provisions

7. The transitional provisions set out in Schedule 2 shall have effect.

Revocation

8. The Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2005(**2**) are revoked.

Sealed with the Official Seal of the Department of the Environment on 26th March 2015.

L.S.

Angus Kerr
A senior officer of the
Department of the Environment

(**2**) S.R. 2005 No.353